Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings jointly with the Senate Banking Subcommittee on International Finance on technology exports and research and development investments.
6226 Dirksen Building

MAY 17

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings in connection with restrictions employed by foreign countries to hold down imports of U.S. goods.
5302 Dirksen Building

MAY 18

9:30 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 1643 and H.R. 4341, to eliminate the requirement for inspections of the mobile home manufacturing process by the VA, and S. 1556, authorizing funds through FY 81 to assist States in establishing and maintaining VA cemeteries.
457 Russell Building

CANCELLATIONS

APRIL 18

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To mark up S. 2692, FY 79 authorizations for the Department of Energy.
6202 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, April 18, 1978*

The House met at 12 o'clock noon.

Rabbi Moshe E. Bomzer, Young Israel of Hollywood, Fort Lauderdale, Fla., offered the following prayer:

I offer this prayer on the day which has been proclaimed by the President of the United States and both Houses of Congress as Education Day, U.S.A., in celebration of the 76th birthday of the illustrious and revered leader of world Jewry—the Lubavitcher Rebbe. Shlita, whose selflessness and devotion have been a model for the education of all mankind.

In these trying times we beseech You, our God, to grant us the wisdom, kindness, patience, and understanding to educate ourselves and our children in Your divine ways. Bestow upon us the knowledge to differentiate between right and wrong, good and evil, sanctity and impurity. Cast the rays of Your divine guidance upon the President, the Vice President, the Members of the House of Representatives, and all the leaders of our beloved country. Enable them to find solutions for the problems which plague our country and the world. As Jews throughout the world prepare for the holiday of freedom, dedicated to the concepts of human rights and devotion through education as stated in Exodus 13: 15 "And you shall teach your children," let this message of peace and freedom resound through the Halls of this great Capitol of ours. Make Your divine prophecy come to pass when "nations shall beat their swords into plowshares and their spears into pruning hooks;" when "nation shall not lift sword against nation, neither shall they learn war anymore."

Let us learn to teach the world and educate our youth so that we may merit to live in a world permeated with love, honesty, ethics, and morals and to the realization of our potential to establish a world built on peace and knowledge. Amen.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, under rule I, clause 1, of the rules of the House, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 228]

Alexander	Dingell	Pursell
Ammerman	Drinan	Rangel
Andrews, N.C.	Eilberg	Rodino
Archer	Evans, Colo.	Rose
Armstrong	Fisher	Runnels
Aspin	Ford, Mich.	Scheuer
Bedell	Gammage	Shuster
Beilenson	Garcia	Skubitz
Biaggi	Guyer	St Germain
Blanchard	Heckler	Stockman
Bonker	Hefner	Teague
Burke, Calif.	Howard	Thone
Burton, John	Hubbard	Thornton
Burton, Phillip	Jones, N.C.	Tucker
Cederberg	Kazen	Udall
Clausen, Don H.	Krueger	Ullman
	Long, Md.	Vander Jagt
Cochran	McCloskey	Walgren
Collins, Ill.	McDonald	Walker
Conyers	Martin	Whitley
Davis	Mathis	Wolff
Dellums	Miller, Calif.	Young, Tex.
Dent	Pike	
Diggs	Pressler	

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). On this rollcall 365 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 649. Joint resolution to authorize the President to call a White House Conference on the Arts, and to authorize the President to call a White House Conference on the Humanities.

The message also announced that the Senate had passed a resolution of the following title:

S. RES. 429

Resolved, That the Senate does not favor the energy action numbered DOE Numbered 1 transmitted to Congress on April 4, 1978.

IN MEMORY OF GORDON E. CASEY

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, last Friday, April 14, Gordon Casey, who was a member of the professional staff of the Committee on Appropriations, died unexpectedly as a result of an accidental fire in his home.

Gordon had worked since 1973 on the Defense Subcommittee and during that time he provided invaluable assistance and advice to its members in the course of deliberating on the Department of Defense's research and development budget. I know of no other person who has the depth of knowledge that Gordon Casey had in this area. Previous to working for the committee, he had worked for the General Accounting Office.

In both positions he served his country well. His advice and counsel will be sorely missed.

The members of the committee and particularly the Defense Subcommittee extend our heartfelt sympathy to Gordon's parents and his brother and sister in this sad moment in their lives.

Under permission to revise and extend, I am inserting excerpts from the article which appeared in the Washington Post following Gordon's death.

The article follows:

Gordon Eldon Casey, 34, a staff member of the defense subcommittee of the House Appropriations Committee, died of asphyxiation yesterday in an accidental fire at his home in Falls Church.

Mr. Casey came to Washington in 1973 as a temporary staff member of the subcommittee and became a full-time employe the following year. He was responsible for reviewing the research and development budget of the Defense Department.

Born in Lovell, Wyo., Mr. Casey grew up in Casper. He attended Casper Junior College, and graduated from the University of Wyoming in 1965.

He then joined the General Accounting Office as an auditor, working in the Denver regional office until 1970, when he was transferred as supervisory auditor to the Far East branch in Honolulu. He traveled extensively to Korea, Okinawa, Taiwan, South Vietnam and Kwajalein Atoll in the Marshall Islands, conducting GAO audits.

He is survived by his parents, Mr. and Mrs. Eldon A. Casey, and a brother, Curt John, of Casper, and a sister, Karlene Virginia Richards, of Denver.

ATTORNEY GENERAL GRIFFIN BELL

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, our illustrious Attorney General must feel like a beekeeper without protective clothing. He is being stung from all sides on his administration of the Justice Department. Now, he has walked into another hornet's nest.

Based on press reports, Polish-Americans are demanding an explanation of what they consider a "Polish slur" by Attorney General Griffin Bell. The source of their irritation is an item which appeared in the April 10 issue of New York magazine. The magazine said Bell was responsible for the punch line to the question: "How would the Poles have handled the Marston affair?" His answer: "The same way we did."

Bell denies telling the joke, but the magazine is sticking to its guns. Meanwhile, various Polish-American groups are incensed. Some want an apology; others are talking about demanding a resignation. Some groups, as a penalty, reportedly are suggesting that the Attorney General be assigned responsibility for making a daily interpretative briefing on the President's foreign and domestic program.

It is difficult to determine who the authentic spokesmen are for the Polish-American community. I certainly have no illusions about claiming that role.

But I feel it would be a serious mistake to take disiplinary action against Attorney General Bell. That would put the State Department in the position of having to retaliate against Georgia jokes which have been in vogue in Poland ever since the President was accompanied on his state visit there by his now famous interpreter.

Poles in Warsaw are chuckling over the joke that it requires three Georgia peanut farmers to change a light bulb in a peanut warehouse. As the Polish version goes:

One peanut farmer holds the light bulb while two companions turn him counter clockwise.

With the humor balancing itself out, I think we should let well enough alone. Our Attorney General has enough problems to occupy his time. He is the most controversial of the Carter Cabinet members. Of course, this is predictable since he is a Georgian. Polish-Americans can make light note of that fact.

THE RELEASE OF JACOB TIMERMAN

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. CONTE. Mr. Speaker, I rise today with great news. I have learned that Mr. Jacob Timerman has just been released from prison in Buenos Aires. As my colleagues may remember, I spoke on the House floor 1 month ago concerning the plight of this brave individual. The news of his release comes almost 1 year to the day of his imprisonment. I truly believe that this situation would have dragged on indefinitely had the plight of Mr. Timerman not been made the focus of world attention.

Yesterday, I received the good news, Jacobo Timerman has been released. His year-long suffering, and that of his family, is about to end.

Unfortunately, Mr. Speaker, although Mr. Timerman was released from his prison cell, I also learned that he was placed under house arrest until the Government officially clears him of suspicion of economic crimes. This arrest places this persecuted individual in a highly dangerous position, since he has been the focus of numerous threats.

The obvious, preferable solution to this volatile situation is to forgo further proceedings and allow Mr. Timerman and his family to leave Argentina immediately.

In the interest of administering long-overdue justice to this individual as well as avoiding personal danger to Mr. Timerman and his family, I again urge the leaders of Argentina to allow Mr. Timerman and his family to leave Argentina immediately. The time has come, and gone, to right this grevious wrong. I appeal to the conscience of these leaders to exercise wise judgment in this case. Let them be assured, the rest of the world is watching closely. We must not let this "just" victory turn into a disaster.

VIGIL FOR FREEDOM

(Mr. BALDUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDUS. Mr. Speaker, almost a year ago, I brought to the attention of the House the plight of a refusenik family living in Moscow, Boris and Natalya Katz. Today, once again, I wish to speak about the Katzes.

I am sorry to report that since I spoke about them last June, their situation has steadily worsened. Last October, Mrs. Katz had a baby daughter, Jessica, who has been seriously ill with a digestive disorder. The three are now living in a one-room apartment with no bathroom and are trying to make ends meet on an annual income of $1,800, which is considered low by Soviet standards. Boris is a very sensitive and lonely person, who is isolated by his plight. These feelings of frustration are compounded by the fact that he must travel 75 miles to work; as a result, he can come home only on weekends. You can imagine the sense of loneliness that Boris must feel what with the ferocity of Moscow's winters and the forced separation from Natalya and Jessica.

Boris and Natalya are totally alone in the Soviet Union. His mother and two brothers have emigrated to the United States and now live outside of Boston. Thus, there is no one to give Boris and Natalya the moral support that they now need so desperately.

The Katz family has been denied visas for emigration to Israel many times now. They were rejected for the fifth time on January 25. They have reapplied once more, but there seems to be little chance that they will be granted permission to leave.

Surely there is ample reason, both in the spirit and provisions of the Helsinki Accord, for Soviet authorities to make a favorable decision on the Katzes' application for emigration. Once more, I express my hopes that Boris, Natalya, and now their baby, Jessica, will be reunited with their family without delay.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MURTHA). This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

KWONG LAM YUEN

The Clerk called the bill (H.R. 1798) for the relief of Kwong Lam Yuen.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 3084) for the relief of Morris and Lenke Gelb.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland,

There was no objection.

HABIB HADDAD

The Clerk called the bill (H.R. 3995) for the relief of Habib Haddad.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IRENE HOFFMAN

The Clerk called the bill (H.R. 5612) for the relief of Irene Hoffman.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MARTINA NAVRATILOVA

The Clerk called the bill (H.R. 10210) for the relief of Martina Navratilova.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFIRMING CONVEYANCE OF CERTAIN PROPERTY BY THE SOUTHERN PACIFIC RAILROAD CO. TO M. L. WICKS

The Clerk called the bill (H.R. 7588) to confirm a conveyance of certain real property by the Southern Pacific Railroad Co. to M. L. Wicks.

There being no objection, the Clerk read the bill, as follows:

H.R. 7588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the conveyance described in section 2(a) of this Act involving certain real property in Los Angeles County, California, is hereby confirmed in the successors in interest to M. L. Wicks, the grantee in such conveyance, with respect to all interests of the United States in the surface rights to the real property described in section 2(b) of this Act. Portions of the real property described in such section 2(b) formed part of the right-of-way granted to the Southern Pacific Railroad Company, a corporation, by the United States by the Act entitled "An Act to incorporate the Texas Pacific Railroad Company, and to aid in the Construction of its Road, and for other purposes", approved March 3, 1871 (16 Stat. 573).

SEC. 2. (a) The conveyance confirmed by this Act was made by a deed dated May 4, 1887, by the Southern Pacific Railroad Company, a corporation, and D. O. Mills and Gerrit L. Lansing, Trustees, to M. L. Wicks and recorded on May 9, 1887, in the office of the county recorder of Los Angeles County, in the Book of Official Records, Book 222 at page 172.

(b) The real property referred to in the first section of this Act is certain real property in the northwest quarter of the northeast quarter of section 15, township 7 north, range 12 west, San Bernardino Meridian, in Los Angeles County, California, more particularly described as follows:

Beginning at the intersection of the easterly line of Sierra Highway (formerly Antelope Avenue) 90 feet wide as shown on county surveyor's map numbered 8200 on file in the office of the surveyor of said county with the easterly prolongation of the northerly line of Jackman Street (formerly 8th Street); hence easterly along said prolongation to the westerly line of the right-of-way, 100 feet wide, as reserved in that certain deed dated May 4, 1887, from Southern Pacific Railroad Company, a corporation, and D. O. Mills and Gerrit L. Lansing, trustees to M. L. Wicks, recorded May 9, 1887, in Book 222 at page 172, official records of said county; thence northerly along said westerly right-of-way line 624.34 feet more or less to the southerly line of Avenue I (formerly Sierra Madre Road); thence westerly along said southerly line of Avenue I to the easterly line of said Sierra Highway; thence southerly along said easterly line of Sierra Highway to the point of beginning.

With the following committee amendments:

Page 1, line 7, delete the word "surface";

Page 3, following line 9, insert the following new section:

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width of less than fifty feet on each side of the center of the main tract or tracts established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATING CONVEYANCE OF CERTAIN LAND IN CALIFORNIA BY THE SOUTHERN PACIFIC TRANSPORTATION CO.

The Clerk called the bill (H.R. 7971) to validate the conveyance of certain land in the State of California by the Southern Pacific Transportation Co.

There being no objection, the Clerk read the bill, as follows:

H.R. 7971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyances executed by the Southern Pacific Transportation Company and described in section 2, involving certain land in San Joaquin County, California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company under the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes", approved July 1, 1862 (12 Stat. 489), as amended, are hereby legalized, validated, and confirmed, as far as any interest of the United States in such land is concerned, and shall have the same force and effect as if the land involved in each conveyance had been held, on the date of conveyance, under absolute fee simple title by the Southern Pacific Transportation Company, subject to a reservation to the United States of the minerals therein.

SEC. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Stokely-Van Camp, an Indiana corporation, as grantee, on March 2, 1973, and recorded as instrument numbered 55797 on December 3, 1973, book 3822, page 586, of the Official Records of San Joaquin County, California, describing the following lands: That certain parcel of land situate in the county of San Joaquin, State of California, being a portion of the west half of section 12, township 3 north, range 6 east, Mount Diablo base and meridian, described as follows:

The easterly 125 feet of the westerly 150 feet of lots 66, 67, 68, 69, the westerly 150 feet of lot 70 and the easterly 100 feet of the westerly 150 feet of lot 71, as said lots are shown on the map of the Lodi-Barnhart Tract, recorded November 5, 1906, in volume 3 of Maps and Plats, page 48, records of said county.

Excepting therefrom that portion of said lot 68 lying easterly of the easterly boundary of the land described in the deed dated August 27, 1962, to Stokely-Van Camp, Incorporated, recorded September 5, 1962, in book 2592, page 385, of Official Records, records of said county, and southerly of the easterly prolongation of the northerly boundary thereof.

(2) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Bernardino Barengo, a married man, as grantee, on June 27, 1973, and recorded as instrument numbered 37943 on August 9, 1973, book 3792, page 21, of the Official Records of San Joaquin County, California, describing the following lands: That certain parcel of land situated in the county of San Joaquin, State of California, being a portion of the southwest quarter of section 24, township 4 north, range 6 east, Mount Diablo base and meridian, described as follows:

Commencing at the intersection of the original located center line of Southern Pacific Transportation Company's main track (Stockton to Sacramento) with a line that is parallel with and distant 20.00 feet northerly, measured at right angles, from the south line of said southwest quarter of section 24, said parallel line being the north line of Acampo Road (formerly Main Street);

thence north 88 degrees 36 minutes 00 seconds west, along said parallel line, 140.71 feet to a line that is parallel with and distant 135.00 feet westerly, measured at right angles, from said original located center line and the true point of beginning of the parcel of land to be described;

thence north 14 degrees 58 minutes 30 seconds west, along last said parallel line, 883.19 feet;

thence south 75 degrees 01 minutes 50 second west, at right angles from last said parallel line 9.40 feet to the southeasterly corner of the lands of Dino Barengo as described in deed recorded September 29, 1961, in book 2462, page 290, Official Records of said county;

thence northerly along the easterly line of said lands on the following four courses: (1) north 14 degrees 58 minutes 30 seconds west, parallel with said center line, 14.60 feet, (2) north 11 degrees 33 minutes 30 seconds west 100.00 feet, (3) north 9 degrees 39 minutes 30 seconds west 50.00 feet, (4) north 8 degrees 29 minutes 30 seconds west 27.60 feet;

thence south 67 degrees 42 minutes 00 seconds west, along the northerly line of last said lands 69.88 feet to a line that is parallel with and distant 200.00 feet westerly, measured at right angles, from said original located center line, last said parallel line being the westerly line of the 400-foot right-of-way granted by Act of Congress to the Central Pacific Railroad Company;

thence south 14 degrees 58 minutes 30 seconds east, along last said parallel line, 1046.81 feet to said north line of Acampo Road;

thence south 88 degrees 36 minutes 00 seconds east, along said north line, 67.75 feet to the true point of beginning, containing an area of 1.565 acres, more or less.

(3) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and Calvin Clark III, a married man, as grantee, on November 4, 1974, and recorded as instrument numbered 56311 on December 9, 1974, book 3934, page 640, of the Official Records of San Joaquin County, California, describing the following lands:

That certain real property situated in the county of San Joaquin, State of California, being a portion of section 24, township 4 north, range 6 east, Mount Diablo base and meridian, more particularly described as follows:

Commencing at the point of intersection of a line parallel with and distant 30 feet westerly, measured at right angles, from the easterly line of Sycamore Street, with the westerly prolongation of the northerly line of an alley in block 4 as said street, alley and block are shown on the map of the town of Acampo;

thence south 88 degrees 36 minutes 00 seconds east along said prolongation, northerly line and its easterly prolongation thereof, 474.05 feet to a point in the southwesterly line of land (400 feet wide) of Southern Pacific Transportation Company;

thence north 14 degrees 58 minutes 30 seconds west along said southwesterly line being parallel with and distant 200.0 feet southwesterly, measured at right angles, from the original located center line of said company's main track (Tracy-Polk), 166.38 feet to a point in the northerly line of land of Dino Barengo as described in deed recorded September 29, 1961, in book 2462 of the Official Records, page 290, Records of San Joaquin County and the actual point of beginning of the parcel of land to be described;

thence continuing north 14 degrees 58 minutes 30 seconds west along said southwesterly line, 693.8 feet to a point in the southerly line of land now or formerly of George L. Keeney and E. M. Keeney;

thence south 88 degrees 57 minutes east along the seconds west along said southwesterly line, 693.8 feet to a point distant 74.08 feet westerly, measured at right angles, from said center line of main track;

thence south 6 degrees 42 minutes east 96.05 feet;

thence south 8 degrees 29 minutes 30 seconds east 559.88 feet to a point in said northerly line of Dino Barengo, being distant 151.12 feet westerly, measured at right angles, from said center line;

thence south 67 degrees 42 minutes 00 seconds west along last said northerly line, 49.29 feet to the actual point of beginning, containing an area of 1.343 acres, more or less.

(4) The conveyance entered into between the Southern Pacific Transportation Company, grantor, and the city of Lodi, a municipal corporation, as grantee, on November 6, 1974, and recorded as instrument numbered 57584 on December 17, 1974, book 3937, page 183, of the Official Records of San Joaquin County, California, describing the following lands: That certain strip of land 125.00 feet in width, situate in the south half of section 36, township 4 north, range 6 east, Mount Diablo base and meridian, county of San Joaquin, State of California and described as follows:

A strip of land 125.00 feet wide lying contiguous to and easterly of a line parallel with and distant 75.00 feet easterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Stockton to Polk), and extending from that certain course described as "south 80 degrees 47 minutes west 200 feet, more or less" in the northerly boundary of the land described in deed dated July 13, 1967, from Southern Pacific Company to Jay Loveless recorded October 10, 1967, in book 3158, page 339, Official Records of San Joaquin County, northerly, to the northerly line of the 3.6-acre parcel of land described in deed dated May 22, 1915, from H. Bechthold et ux, to city of Lodi recorded June 25, 1915, in book "A", volume 266 of deeds, page 3, San Joaquin County Records, said northerly line being described in said deed as following the meanders of the southern bank of the Mokelumne River.

(5) The easement entered into between the Southern Pacific Transportation Company, grantor, and the city of Lodi, a municipal corporation, as grantee, for roadway purposes, on November 21, 1974, and recorded as instrument numbered 5528 on February 7, 1975, book 3952, page 203, of the Official Records of San Joaquin County, California, describing an easement upon the following property: That certain strip of land situate in the south half of section 36, township 4 north, range 6 east, Mount Diablo base and meridian, County of San Joaquin, State of California, and described as follows:

A strip of land 25.00 feet in width lying contiguous to and easterly of a line parallel and concentric with and distant 75.00 feet easterly, measured at right angles and radially, from the original located center line of Southern Pacific Transportation Company's main track (Stockton to Polk), and extending from the northerly line of the 20,480 square foot parcel of land described in Indenture dated August 24, 1960 from Southern Pacific Company to city of Lodi recorded September 12, 1960 in book 2334, page 421, San Joaquin County Records, northerly, to that certain course described as "south 80 degrees 47 minutes west 200 feet, more or less," in the northerly boundary of the land described in deed dated July 13, 1967, from Southern Pacific Company to Jay Loveless recorded October 10, 1967 in book 3158, page 339, Official Records of San Joaquin County, said 25.00 foot wide strip hereinabove described being also contiguous to and westerly of the westerly line of the 100.00 foot wide strip of land quitclaimed to Jay Loveless by said deed.

Reserving unto grantor, its successors and assign, the right to construct, maintain, and use railroad, pipeline communication, and transportation facilities in, upon, over, along, and across said property.

(6) The conveyance entered into between the Southern Pacific Transportation Company grantor, and Edward W. Le Baron and Mable B. Le Baron, his wife, Donald Reynolds and Constance E. Reynolds, his wife, and Robert Reynolds and Carolyn W. Reynolds, his wife, as grantees on March 22, 1977, and recorded as instrument numbered 34048 on June 2, 1977, book 4267, page 458, of the official records of San Joaquin County, California, describing the following lands: That certain parcel of land situated in the southeast quarter of section 23 and southwest quarter of section 24, township 4 north, range 6 east, Mount Diablo base and meridian, County of San Joaquin, State of California, and more particularly described as follows:

Commencing at the point of intersection of a line parallel with and distant 30 feet westerly, measured at right angles, from the easterly line of Sycamore Street with the westerly prolongation of the northerly line of an alley in block 4, as said street, alley, and block are shown on the map of the town of Acampo;

thence south 88 degrees 36 minutes 00 seconds east, along said prolongation, said northerly line and its easterly prolongation, 474.05 feet to a point in the southwesterly line of land (400 feet wide) originally acquired by Central Pacific Railroad Company by virtue of Act of Congress dated July 1, 1862;

thence north 14 degrees 58 minutes 30 seconds west, along said southwesterly line, being parallel with and distant 200.0 feet southwesterly, measured at right angles, from the original location center line of main track (Tracy-Polk) now of the Southern Pacific Transportation Company, a distance of 860.18 feet to the northwesterly corner of the 1.343-acre parcel of land described in quitclaim deed dated November 4, 1974 from Southern Pacific Transportation Company to Calvin Clark III recorded December 9, 1974 in book 3934, page 640, Official Records of San Joaquin County, and the true point of beginning of the parcel of land to be described;

thence continuing north 14 degrees 58 minutes 30 seconds west, along said southwesterly line, parallel with and distant 200.0 feet southwesterly, measured at right angles, from said center line of main track, a distance of 1,000 feet, more or less, to the north line of said southeast quarter of said section 23;

thence easterly along last said north line, 130.3 feet, more or less, to a point in a line parallel with and distant 74.08 feet southwesterly, measured at right angles, from said center line of said transportation company's main track;

thence south 14 degrees 58 minutes 30 seconds east, last said parallel line, 1,000 feet, more or less, to the northeasterly corner of said 1.343-acre parcel of land described in said deed dated November 4, 1974 to Calvin Clark III;

thence north 88 degrees 57 minutes west, along the northerly line of last said parcel, 131.02 feet to the true point of beginning, containing an area of 2.89 acres, more or less.

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width of less than fifty feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal or other minerals in the land referred to in the first section of this Act, together with the right to prospect for mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN PLACER COUNTY, CALIFORNIA, TO MRS. EDNA C. MARSHALL

The Clerk called the bill (H.R. 4243) to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 4243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to Edna C. Marshall, Auburn, California, all right, title, and interest of the United States in and to a tract of land in Tahoe National Forest, Placer County, California, more particularly described as the northeast quarter northwest quarter of section 28, township 14 north, range 11 east, Mount Diablo base and meridian, California, consisting of forty acres,

more or less. Such conveyance shall only be made if Edna C. Marshall makes application therefor, and within one year after the date of this Act, makes payment of the fair market value of the land as of the date of this Act, less any enhancement in value brought to the land by Edna C. Marshall or her predecessors on the land, as determined by the Secretary of the Interior, Edna C. Marshall shall bear any administrative expenses, including appraisal, filing, and recording fees arising from the conveyance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BALL STATE UNIVERSITY AND THE AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION

The Clerk called the bill (H.R. 1415) for the relief of Ball State University and the American Association of Colleges for Teacher Education.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES P. ABBOTT

The Clerk called the bill (H.R. 3994) for the relief of Charles P. Abbott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $———— to Charles P. Abbott of Glendora, California, in full settlement of all his claims against the United States, arising out of the following actions by the Small Business Administration from March 1957 to June 1959:

(1) their negligent delay in processing his small business loan application numbered L–102,045–BOS for Cape Cod Manor, Incorporated (also known as the Royal Megansett Hotel), of North Falmouth, Massachusetts;

(2) their delay is disbursement of the loan moneys, once the above application was approved, directly contributing to the failure of the aforesaid business; and

(3) their arbitrary, prejudicial refusal to fully consider, and their rejection of this bid to repurchase the hotel property in June 1959.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That any debt owed the United States by Charles P. Abbott of Glendora, California, arising from the judgment of the United States District Court for the District of Massachusetts in *United States* v. *Abbott* (Civil Action No. 60–800–W), entered September 29, 1964, is hereby extinguished.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN FORMER EMPLOYEES OF WESTERN AIRLINES

The Clerk called the resolution (H. Res. 83) to refer, H.R. 1394, a bill for the relief of certain former employees of Western Airlines, to the Chief Commissioner of the U.S. Court of Claims.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 83

Resolved, That H.R. 1394 entitled "A bill to provide for the relief of certain former employees of Western Airlines", together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FIRST BAPTIST CHURCH OF PADUCAH, KY.

The Clerk called the Senate bill (S. 422) for the relief of the First Baptist Church of Paducah, Ky.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

ESTABLISHING OFFICES OF INSPECTOR GENERAL

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8588) to reorganize the executive branch of the Government and increase its economy and efficiency by establishing Offices of Inspector General within the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Administration, the Energy Research and Development Administration, the Environmental Protection Agency, the Federal Energy Administration, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

Strike out everything after the enacting clause and insert in lieu thereof the following:

PURPOSE; ESTABLISHMENT

SECTION 1. In order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to programs and operations of the Department of Agriculture, the Department of Commerce, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration;

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy and efficiency in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and

(3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action;

there is hereby established in each of such establishments an Office of Inspector General.

APPOINTMENT OF OFFICERS

SEC. 2. (a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not be under the control of, or subject to supervision by, any other officer of such establishment.

(b)(1) There shall also be in each Office within the Departments of Agriculture, Housing and Urban Development, Labor, and Transportation, and in the Veterans' Administration, a Deputy Inspector General appointed by the President, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Deputy shall assist the Inspector General in the administration of the Office and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that office, act as Inspector General.

(2) In each Office in which no Deputy Inspector General is provided or in which such position is vacant, the Inspector General may designate a staff member to act as Inspector General during the absence or temporary incapacity of the Inspector General. If no such designation is made, the senior Assistant Inspector General shall act as Inspector General during the absence or temporary incapacity of the Inspector General. The senior Assistant Inspector General shall also act as Inspector General in the event of a vacancy in that position in any Office in which no Deputy Inspector General is provided or in which such position is vacant.

(c) An Inspector General or Deputy may be removed from office by the President.

(d) For the purposes of section 7324 of title 5, United States Code, no Inspector General or Deputy Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(e) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

DUTIES AND RESPONSIBILITIES

SEC. 3. (a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—

(1) to supervise, coordinate, and provide policy direction for auditing and investigative activities relating to programs and operations of such establishment;

(2) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out of financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovermental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(4) to keep the head of such establishment and the Congress informed, by means of the reports required by section 4 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(b) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall have authority to establish standards for the use of outside auditors and to take other appropriate steps to insure the competence and independence of such auditors.

(c) In carrying out the duties and responsibilities provided by this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view to avoiding duplication and insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities provided by this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

REPORTS

SEC. 4. (a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 4(c) during the reporting period;

(6) a summary of each report made to the head of the establishment under section 5(b)(2) during the reporting period; and

(7) a listing of each audit and investigative report completed by the Office during the reporting period.

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate committees or subcommittees of the Congress within thirty days after receipt of the report, together with a report by the head of the establishment containing any comments such head deems appropriate.

(c) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. Each Deputy and Assistant Inspector General shall have particular responsibility for informing their respective Inspector General of such problems, abuses, and deficiencies.

AUTHORITY; ADMINISTRATION PROVISIONS

SEC. 5. (a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigaitons and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof;

(4) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act;

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3109 of title 55, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code;

(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

(3) In the event any record or other information requested by the Inspector General under subsection (a)(1) or (a)(3) is not considered to be available under the provisions of section 552(b)(1), (3), or (7) of title 5, United States Code, such record or information shall be available to the Inspector General in the same manner and to the same extent it would be available to the Comptroller General.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

TRANSFER OF FUNCTIONS

SEC. 6. (a) There shall be transferred—

(1) to the Office of Inspector General—

(A) of the Department of Agriculture, the offices of that department referred to as the "Office of Investigation" and the "Office of Audit";

(B) of the Department of Commerce, the offices of that department referred to as the "Office of Audits" and the "Investigations and Inspections Staff" and that portion of the office referred to as the "Office of Investigations and Security" which has responsibility for investigation of alleged criminal violations and program abuse;

(C) of the Department of Housing and Urban Development, the office of that department referred to as the "Office of Inspector General";

(D) of the Department of the Interior, the office of that department referred to as the "Office of Audit and Investigation";

(E) of the Department of Labor, the offices of that department referred to as the "Direc-

torate of Audits and Investigations" and the "Office of Investigation and Compliance";

(F) of the Department of Transportation, the offices of that department referred to as the "Office of Investigations and Security" and the "Office of Audit" of the Department, the "Offices of Investigations and Security, Federal Aviation Administration", the "External Audit Divisions, Federal Aviation Administration", the "Office of Program Review and Investigation, Federal Highway Administration", and the "Office of Program Audit, Urban Mass Transportation Administration";

(G) of the Community Services Administration, the offices of that agency referred to as the "Inspections Division", the "External Audit Division", and the "Internal Audit Division";

(H) of the Environmental Protection Agency, the offices of that agency referred to as the "Office of Audit" and the "Security and Inspection Division";

(I) of the General Services Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations";

(J) of the National Aeronautics and Space Administration, the offices of that agency referred to as the "Management Audit Office" and the "Office of Inspections and Security";

(K) of the Small Business Administration, the office of that agency referred to as the "Office of Audits and Investigations"; and

(L) of the Veterans' Administration, the offices of that agency referred to as the "Office of Audits" and the "Office of Investigations"; and

(2) such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of this Act,

except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(122) Inspector General, Department of Health, Education, and Welfare.

"(123) Inspector General, Department of Agriculture.

"(124) Inspector General, Department of Housing and Urban Development.

"(125) Inspector General, Department of Labor.

"(126) Inspector General, Department of Transportation.

"(127) Inspector General, Veterans' Administration.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(144) Deputy Inspector General, Department of Health, Education, and Welfare.

"(145) Deputy Inspector General, Department of Agriculture.

"(146) Inspector General, Department of Commerce.

"(147) Deputy Inspector General, Department of Housing and Urban Development.

"(148) Inspector General, Department of the Interior.

"(149) Deputy Inspector General, Department of Labor.

"(150) Deputy Inspector General, Department of Transportation.

"(151) Inspector General, Community Services Administration.

"(152) Inspector General, Environmental Protection Agency.

"(153) Inspector General, General Services Administration.

"(154) Inspector General, National Aeronautics and Space Administration.

"(155) Inspector General, Small Business Administration.

"(156) Deputy Inspector General, Veterans' Administration.".

(c) Section 202(e) of the Act of October 15, 1976 (Public Law 94-505, 42 U.S.C. 3522), is amended by striking out "section 6(a)(1)" and "section 6(a)(2)" and inserting in lieu thereof "section 206(a)(1)" and "section 206(a)(2)", respectively.

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "head of the establishment" means the Secretary of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, or Transportation or the Administrator of Community Services, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs, as the case may be;

(2) the term "establishment" means the Department of Agriculture, Commerce, Housing and Urban Department, the Interior, Labor, or Transportation or the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, or the Veterans' Administration, as the case may be;

(3) the term "Inspector General" means the Inspector General of an establishment;

(4) the term "Deputy" means the Deputy Inspector General of an establishment;

(5) the term "Office" means the Office of Inspector General of an establishment; and

(6) the term "Federal agency" means an agency as defined in section 552(e) of title 5 (including an establishment as defined in paragraph (2)), United States Code, but shall not be construed to include the General Accounting Office.

EFFECTIVE DATE

SEC. 9. The provisions of this Act and the amendments made by this Act shall take effect October 1, 1978.

The SPEAKER pro tempore (Mr. MURTHA). Is a second demanded?

Mr. WYDLER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. FOUNTAIN) will be recognized for 20 minutes, and the gentleman from New York (Mr. WYDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I would like to begin expressing the opinion that this is one of the most monumental pieces of legislation this or any other Congress has ever considered, because of the billions of dollars it may well save through increased economy and efficiency and a reduction in fraud and program abuse.

Mr. Speaker, H.R. 8588, which was approved unanimously by the Committee on Government Operations, will consolidate existing audit and investigative units in 12 additional Federal departments and agencies into Offices of Inspector General similar to those already established for HEW and the Department of Energy.

The Offices would be headed by Inspectors General appointed by the President, subject to Senate confirmation, without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Each Inspector General would report to and be under the general supervision of the agency head or the officer next in rank below the head, but would not be under the control or supervision of any other officer of the establishment involved.

In addition to conducting and supervising audits and investigations, each Inspector General would have a key role in other activities designed to promote economy and efficiency and to prevent and detect fraud and program abuse. Moreover, the Inspector General would have responsibility for keeping the agency head and the Congress informed about serious problems and deficiencies and for recommending necessary corrective action.

The executive departments and agencies covered by this bill have generally endorsed the Inspector General concept. However, some of them have objected to one or more specific provisions of the bill as reported out by the committee. The amendment to the bill makes several minor modifications which, in our judgment, will meet some of these objections without impairing in any way the ability of Inspectors General to accomplish the purposes of the bill.

The primary effect of the modifications is to substitute semi-annual reports to Congress for the annual, quarterly, and special reports required under the present language of the bill. Although the timing will be different, the semi-annual reports will contain all information which would be required under the bill as reported.

We have been assured by the Office of Management and Budget that the administration will support the bill with these modifications.

The departments and agencies covered by this bill are responsible for expenditure of around $100 billion annually, and have more than 600,000 employees.

The need for Offices of Inspector General in these establishments was clearly

demonstrated by an extensive subcommittee inquiry, which included 9 days of hearings.

We found serious deficiencies in auditing and investigative organization, procedures, and resources, such as—

Multiple audit or investigative units within a single agency, organized in fragmented fashion and without effective central leadership;

Auditors and investigators reporting to officials who were responsible for the programs under review or were devoting only a fraction of their time to audit and investigative responsibilities;

Lack of affirmative programs to look for possible fraud or abuse; some agencies did not even require employees to report evidence of irregularities;

Instances in which investigators had been kept from looking into suspected irregularities, or even ordered to discontinue an ongoing investigation;

Potential fraud cases which had not been sent to the Department of Justice for prosecution; and

Serious shortages of audit and investigative personnel, even though such personnel more than repay their cost in savings and recoveries.

Several agencies admitted they had only one-third to one-fifth the number of auditors or investigators needed.

One Department (Labor) had only six trained criminal investigators to look into irregularities in the expenditures of some $25 billion annually.

Other agencies had audit cycles as long as 20 years; some activities had never been audited.

These and other serious deficiencies are fully documented in the committee report (H. Rept. 95–584) and the subcommittee hearings.

Enactment of this bill will—

Insure that each covered agency has a high-level official with no program responsibilities, required by law to give undivided attention to promoting economy and efficiency and combating fraud and program abuse;

Help to coordinate, within each agency and throughout the Government, the work of numerous audit and investigative units which are now disorganized and without effective leadership; and

Help to insure that agency heads and the Congress receive information needed to promote economy and efficiency and to combat fraud and abuse.

Even though the HEW Office of Inspector General, after which this bill is patterned, has been in operation for less than a year, it has already been responsible for substantial and very badly needed progress in improving HEW's administrative operations.

Details concerning the work being done by the HEW Office of Inspector General can be found in the first annual report of that Office, which has just been submitted to Congress. This 191-page report describes a wide variety of audits, investigations, and other initiatives undertaken by that Office, and estimates that losses from fraud, abuse, and waste at HEW have totaled more than $7 billion annually.

Waste, inefficiency, fraud, and abuse in federally financed programs is impairing the accomplishment of program objectives and imposing an intolerable and inexcusable burden on this country's taxpayers.

It is time for Congress to do something about it.

I urge passage of this badly needed legislation.

Under leave to extend my remarks, I am including at this point material from pages 2 through 7 of House Report 95–584 which summarizes the major provisions of H.R. 8588 and describes the extremely serious deficiencies disclosed by subcommittee hearings which the bill is designed to correct.

I am also including a brief summary of the modifications made by the amendment offered today. The revised language of H.R. 8588, as amended, can be found in H.R. 12053.

PURPOSE AND SUMMARY

H.R. 8588 would consolidate existing audit and investigative units in the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor and Transportation, and the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans Administration into newly established Offices of Inspector General.

These offices, which would have no program responsibilities, would conduct and supervise audits and investigations relating to programs and operations of the above establishments. The offices would also provide leadership and coordination and recommend policies for activities designed to promote economy and efficiency in the administration of, and to prevent and detect fraud and abuse in, such programs and operations.

In addition, the offices would provide a means for keeping agency heads and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

Each office would be headed by an Inspector General appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability, in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General would report to and be under the general supervision of the agency head (or, to the extent such authority is delegated, the officer next in rank below the head), but would not be under the control of or subject to supervision by any other officer of the establishment involved.

A Deputy Inspector General would be appointed in the same manner as the Inspector General in the Departments of Agriculture, Housing and Urban Development, Labor, and Transportation, and in the Veterans Administration. The Deputy would assist the Inspector General and serve as Inspector General during a vacancy or the absence or temporary incapacity of the Inspector General. In establishments not having a Deputy, the Inspector General could designate a staff member to act as Inspector General during the IG's absence or temporary incapacity; in the event of a vacancy, the senior Assistant Inspector General would act as Inspector General.

Inspectors General or Deputies could be removed from office by the President. The Comptroller General would promptly investigate and report to each House of Congress on the circumstances of any such removal.

Each Inspector General would have responsibility for conducting audits and investigations and for coordinating other activities designed to promote economy and efficiency and to prevent and detect fraud and abuse. The Inspector General would also have responsibility for relationships between the department or agency involved and other Federal State and local government agencies and nongovernmental entities with respect to such matters.

The Inspectors General would have specific responsibility for recommending corrective action concerning fraud and other serious problems, abuses and deficiencies and for reporting to agency heads and the Congress on the progress made in implementing such corrective action.

In addition to an annual report to the agency head and the Congress on activities of the office, each Inspector General would make quarterly reports identifying significant recommendations for corrective action on which adequate progress was not being made. Each Inspector General would report immediately to the agency head and within 30 days thereafter to appropriate congressional committees whenever their office became aware of particularly serious or flagrant problems, abuses or deficiencies.

In order to prevent lengthy delays, resulting from agency "clearance" procedures, reports or information would be submitted by each Inspector General to the agency head and the Congress without further clearance or approval. Copies of annual and quarterly reports would, insofar as practicable, be submitted by each Inspector General to the agency head sufficiently in advance of the due date for submission to Congress to provide a reasonable opportunity for comments of the agency head to be appended to the reports when submitted to Congress.

In carrying out provisions of H.R. 8588, each Inspector General is specifically authorized to obtain necessary information by subpoena and to request necessary information or assistance from any Federal, State, or local governmental agency or unit thereof.

H.R. 8588 further provides for each Inspector General to have direct and prompt access to the agency head when necessary for the performance of the duties of the office.

Existing audit and investigative units of each department or agency would become component parts of the establishment's Office of Inspector General. Additional units or functions related to the duties of the Office of Inspector General could be transferred to the office by the agency head, with the consent of the Inspector General, but no program operating responsibilities could be so transferred.

COMMITTEE ACTION AND VOTE

H.R. 8588, as amended, was reported by the Committee on Government Operations by a unanimous vote, with a quorum present.

HEARINGS

H.R. 8588 is a clean bill incorporating minor changes made by the Intergovernmental Relations and Human Resources Subcommittee in H.R. 2819, an earlier bill to establish Offices of Inspector General in a number of Federal departments and agencies. Nine days of hearings were held on this legislation, with testimony from representatives of 14 departments and agencies. Dates of each hearing, together with the names of departments or agencies whose representatives testified, are listed below:

May 17, 1977—Department of Agriculture.

May 24, 1977—Department of Commerce and Department of Housing and Urban Development.

June 1, 1977—Department of Interior and Department of Labor.

June 7, 1977—Department of Transportation and Environmental Protection Agency.

June 13, 1977—General Services Administration and National Aeronautics and Space Administration.

June 21, 1977—Small Business Administration and Veterans' Administration.

June 29, 1977—Community Services Administration.

July 25, 1977—Department of Justice.

July 27, 1977—Department of Health, Education, and Welfare.

DISCUSSION

Background

An extension investigation by the Intergovernmental Relations and Human Resources Subcommittee, which began in late 1974 and continued for more than a year, disclosed serious deficiencies in the resources and procedures used by the Department of Health, Education, and Welfare for the prevention and detection of fraud and program abuse. These deficiencies were described in a report issued by the committee on January 26, 1976.

The subcommittee's investigation and its further studies led to unanimous approval by the committee of legislation to establish an Office of Inspector General for the Department of Health, Education, and Welfare. The legislation was subsequently approved unanimously by both House and Senate, and signed into law by President Ford.

H.R. 8588, a clean bill incorporating changes to H.R. 2819, would establish similar Offices of Inspector General in 12 additional Federal departments and agencies. These establishments, as detailed below, are responsible for expenditure of nearly $100 billion annually and have over 600,000 employees.

	Estimated outlays fiscal year 1977 (millions) [1]	Number of employees, April 1977 [2]
Department of Agriculture	$13,691	115,580
Department of Commerce	3,040	38,905
Department of Housing and Urban Development	7,673	16,787
Department of Interior	3,491	80,163
Department of Labor	23,468	16,647
Department of Transportation	12,774	74,890
Community Services Administration	[3] 512	1,077
Environmental Protection Agency	5,295	11,948
General Services Administration	176	36,905
National Aeronautics and Space Administration	3,706	24,870
Small Business Administration	[4] 722	4,910
Veterans' Administration	18,370	222,300

[1] Table 4, U.S. Budget in Brief, fiscal year 1978.

[2] Table 1, U.S. Civil Service Commission, Federal Civilian Workforce Statistics, June 1977.

[3] The Budget of the U.S. Government, fiscal year 1978, p. 341.

[4] The Budget of the U S. Government, fiscal year 1978, p. 358.

Deficiencies in organizational structure

Subcommittee hearings disclosed that auditors and investigators at a number of departments and agencies report to different officials, rather than being under the same leadership. In other instances, there is no unit with agencywide audit or investigative jurisdiction; the Department of Transportation reported having 116 separate audit and investigative units.

Almost without exception, auditors and investigators are reporting to officials who either have responsibility for programs subject to audit or investigation or are unable to devote full time to their audit or investigative responsibilities.

In some instances, auditors or investigators stationed outside Washington report to and are supervised by regional program managers, rather than agency headquarters.

Deficiencies in procedures

Serious deficiencies in auditing and investigative procedures were disclosed during the subcommittee hearings.

Most of the departments and agencies included in the bill have no affirmative programs to look for possible fraud or abuse; instead they rely primarily on complaints. In some cases, agency regulations do not even require employees to report evidence of irregularities. Other agencies have not prepared annual audit plans, even though preparation of such plans is required by OMB circular 73–2.

Even when complaints are received, investigators in some agencies are not permitted to initiate investigations without clearance from officials responsible for the programs involved. The chief of the Community Services Administration's Inspection Division testified that he had been denied clearance to investigate allegations of wrongdoing on several occasions; in one of these cases, according to his testimony, a later investigation by another law enforcement agency resulted in 22 indictments.

The CSA Inspection chief also testified that he had been ordered to discontinue one investigation which had already been initiated; the subject of that investigation, who was suspected of embezzling $10,000, subsequently became a fugitive.

A supervisory investigator for the Small Business Administration testified that an office inspection program which might have resulted in earlier detection of irregularities in SBA's Richmond office had been terminated some years ago.

Justice Department officials responsible for prosecuting fraud against the Government testified that, with some exceptions, working relationships with other Federal departments and agencies on fraud matters are far from optimum. They also told the subcommittee that coordination would be easier if all agencies had a single high-level official devoting full time to overall direction of both audit and investigative activities. The Justice Department's most effective working relationship, according to the witnesses, are with the Departments of Agriculture, HUD and HEW. (HEW, of course, has a statutory Office of Inspector General; HUD has a nonstatutory OIG, and the Department of Agriculture had one for many years before that office was dismantled in 1974.)

Although Justice Department witnesses endorsed direct referral of fraud cases to Justice by investigators, some agencies require that all such referrals be cleared by their Office of General Counsel. In some instances, potential fraud cases were never referred to Justice by agency Offices of General Counsel. A partial review of Agriculture Department files disclosed that, during a 2-year period, 24 cases referred by the USDA Office of Investigation were held for more than 6 months in the Office of General Counsel before being sent to the Department of Justice; one case was held for more than 2 years.

Although some agencies testified that it was their policy to voluntarily inform Congress concerning serious problems, the subcommitee found no evidence that any formal procedures existed to insure such reporting.

Other testimony indicated that program officials frequently ignore recommendations of auditors.

Deficiencies in resources

The hearings disclosed serious deficiencies in the resources devoted to auditing and investigations.

Internal audit cycles (the length of time it takes for all activities to be audited) are incredibly long. General Services Administration representatives testified that it would take as long as 20 years to audit all activities with that agency's present resources. Other lengthy audit cycles reported were 13 years for the Department of Commerce, 9 or 10 years for Interior, and 10 years for the Department of Transportation. The Small Business Administration and the Veterans' Administration estimated their audit cycles as 12 to 14 and 10 to 12 years, respectively.

Witnesses from the Department of the Interior and the Department of Transportation acknowledged that their departments have never audited some activities.

Many agency representatives told the subcommittee that their audit and/or investigative manpower is only a fraction of the amount needed to do an adequate job. Interior Department witnesses said their audit manpower is sufficient for only about half of the agency's priority workload, with no resources available for affirmative programs to detect fraud.

Representatives of the Department of Labor and the Small Business Administration testified that they have only one-third the audit manpower they need. Community Services Administration witnesses indicated their audit resources are even less than one-third the amount needed.

According to testimony from Labor Department witnesses, that department has only six trained criminal investigators to look into irregularities in the expenditure of some $25 billion annually. Veterans Administration officials told the subcommittee they have less than one-fifth the number of investigators they believe they need.

The severe shortages of manpower at many agencies are particularly ironic in view of uniform testimony that additional auditors and investigators would more than repay their cost through savings and recoveries. National Aeronautics and Space Administration officials estimated their auditors recover three to four times the amount spent. According to Veterans Administration witnesses, their internal auditors saved or recovered more than $14 million at a cost of less than $3 million. GSA officials estimated their agency's ratio of savings to costs at 20 to 1.

The importance of adequate auditing and investigative personnel was emphasized by Justice Department officials, who testified that the bulk of Government fraud cases originate through referrals from program agencies; if agency investigative operations are ineffective because of lack of personnel, potential fraud cases will not be referred.

SUMMARY OF CHANGES MADE BY AMENDMENT

1. Requirement for automatic GAO investigation of circumstances in event of removal of IG removed; however, such an investigation could—and undoubtedly would—still be

carried out on the basis of Congressional requests.

2. Phrase "fully and currently" deleted from requirement that IG keep agency head and Congress informed about problems, abuses and deficiencies, since compliance might be very burdensome if strictly interpreted. Another section still declares that a broad purpose of the bill is to provide a means for keeping the agency head and the Congress fully and currently informed.

3. Inspectors General are given authority to "establish standards" for use of outside auditors, rather than specifically approving or disapproving their use. IG's also have broad authority to "take other appropriate steps to insure the competence and independence of such auditors".

4. Inspectors General are specifically required to report expeditiously to the Attorney General whenever they have reasonable grounds to believe there has been a violation of Federal criminal law. This provision broadens an existing statutory requirement that suspected law violations involving Federal employees be so reported.

5. The prior requirement for annual, quarterly, and special reports to the Congress has been changed to a system of semi-annual reports. Although the timing will be different, the semi-annual reports will contain all information which would be required under the bill as reported. It should be noted that each IG would continue to be specifically authorized to make such investigations and reports as the IG considers necessary or desirable.

6. Language has been added to clarify the intent of the Committee that subpoenas not be used by IG's to obtain information and documents from Federal agencies. Other provisions of the bill call for Federal agencies to provide information or assistance requested by IG's insofar as practicable and for the IG to report unreasonable refusals of such requests to the agency head and Congress.

7. The requirement that an IG must consent to transfer of additional units, functions, powers or duties to the Office of Inspector General has been eliminated. This should not create any problems, since

(a) Program operating responsibilities cannot be so transferred;

(b) It is unlikely that an IG would object to a proposal to transfer more resources and authority to the Office; and

(c) It is unlikely that an agency head would want to make such a transfer over an IG's objection.

In addition to the above, several editorial and technical changes are made.

Revised language of H.R. 8588, as modified by the amendment, can be found in H.R. 12053.

Mr. WYDLER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to commend both the distinguished chairman of the committee and the gentleman from New York for their work in bringing this measure to the floor. I think it is an extremely important measure. It is going to help us do away with a great deal of waste and abuse in Government. I strongly support the measure and I urge my colleagues to do the same.

Mr. Speaker, I thank the gentleman for yielding and I welcome this opportunity to address myself to the need for the Offices of Inspector General in 12 Federal departments and agencies. H.R. 8588, introduced by my esteemed colleague the gentleman from North Carolina (Mr. FOUNTAIN) creates the Office of Inspector General in 12 Federal departments to audit programs, to investigate fraud and abuse and to correct actions which may be deemed abusive and fraudulent.

I had the privilege to testify before the Government Operations Committee in June 1976, in behalf of legislation which I cosponsored creating an office of Inspector General in the Department of Health, Education, and Welfare. I felt then, as I feel now, that such an office is not only beneficial, but also serves to enhance the workings of any department or Federal agency of which it becomes a part. The Inspector General, responsible for investigations of fraud and abuse, is a symbol to the Congress and the public, that any department or agency desires efficiency and honesty within its ranks, and is symbolic of an agency's willingness to tighten up on fraud in any of its programs.

The Congress was very disturbed to hear instances of abuse within the welfare system, and was gravely concerned about the widespread nature of such abuse. It is imperative that each department and agency report to an independent office to insure that the workings of each agency and department are in keeping with the values of efficiency and accountability.

I am very pleased that the distinguished chairman of the Intergovernmental Relations Subcommittee, the gentleman from North Carolina (Mr. FOUNTAIN) and the ranking minority member, the gentleman from New York (Mr. WYDLER) have seen fit to bring this legislation to the floor for our consideration. It is important legislation which must and should be passed. This measure is a necessary first step in the process of Government accountability, and is a necessary gesture for encouraging public trust. We owe our constituents the peace of mind which the passage of this legislation will bring—peace of mind that their Government and its numerous agencies are functioning with a minimum of fraud and abuse, and that their representatives have seen fit to enhance accountability.

Accordingly, I urge my colleagues to join with me in supporting this legislation and want to take this opportunity to commend the Office of Inspector General in HEW for the good work that it has done to date.

Mr. WYDLER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I want very briefly to say that I support H.R. 8588 as amended and recommend its approval here today. I join my colleague, JACK WYDLER, in expressing relief that the inordinate and unnecessary 7-month delay in bringing this bill to the House floor has finally come to an end. The need for this legislation has been clearly documented, not only in the thorough subcommittee hearings led by the distinguished gentleman from North Carolina (Mr. FOUNTAIN), but also by the continuing abuse of Federal programs in many agencies and departments of our Government.

The creation of an Office of Inspector General in a number of these agencies and departments will probably not completely eradicate the abuses that we have heard so much about in recent years, but it will be a step in the right direction. At least we will have in place a series of offices whose sole responsibilities would be the detection and prevention of fraud and abuse and the promotion of economy and efficiency within its particular agency or department. That is a great deal more than we have now.

Mr. Speaker, I urge my colleagues to support this important piece of legislation.

Mr. Speaker, I am glad we are here at last. This bill has been a long time in finally getting acted on by this House of Representatives. It could have been acted on a long time ago. But we are moving it forward, finally and at last, and that is something that we can all be happy about. I particularly appreciate the efforts made by the gentleman from North Carolina (Mr. FOUNTAIN), the chairman of the subcommittee, who really put this bill together and guided it through the committee and here on the floor of the House. Although I rise in support of H.R. 8588, as amended, and urge its prompt approval, I do want to point out some things about the history of this legislation that I think is important for the House to know.

The bill originally was studied very carefully and extensively at the subcommittee level, and it was unanimously approved by the full Committee on Government Operations in August of last year. The bill was on the House Calendar last September 27. It was withdrawn at the last minute because of opposition by the Carter administration. Mr. Speaker, why the President should have been opposed to the concept of an Inspector General to fight fraud and abuses in Government programs has never been clear to me, but I am pleased that finally, after some 7 months of unnecessary and tedious negotiations, the President has agreed to support the bill.

This bill to establish an Office of Inspector General in various Federal departments is clearly necessary, and it was a year ago. Its need has been recognized by everyone who has studied the issue of fraud and abuse in Government programs.

When we think, Mr. Speaker, that the estimates are that we are losing currently, through fraud and abuse, approximately $1 billion a month in our Federal programs, we can understand what 7 months of delay, unnecessary, unjustified delay, on this program has cost the American taxpayers. I think somebody has to be held responsible for that delay.

Mr. Speaker, the changes that have been made by the subcommittee to satisfy the administration are generally very

minor changes; but every one of them without exception, is a change that weakens the bill or undermines to some extent the independence of the Inspector General whose office we are setting up. They are not constructive changes; they are really weakening amendments, and I think we would be better off if we did not have them in the bill. However, apparently, that is the price we are going to have to pay to get this type of Inspector General established in the Federal Government.

In my view, Mr. Speaker, we have too long neglected the concept of an Inspector General, even in the face of mounting evidence year after year of abuse and fraud in a wide range of Government programs. This legislation will correct that oversight on our part and will be a significant first step in an effort to promote economy and efficiency as well as the detection and prevention of fraud and abuse. Those two objectives, after all, are inextricably linked to each other. We cannot realize economy and efficiency unless we deal in an effective manner with the problem of fraud and abuse.

It is important, Mr. Speaker, to remember and to realize that this new Office of Inspector General will have absolutely no policy responsibility. The new IG's are to be totally independent and free from political pressure. If I have any reservations at all, they are concerned with that independence. I would merely suggest that we keep an eye on these IG's and see to it that they have the freedom to operate independently.

That reservation aside, Mr. Speaker, I wholeheartedly support H.R. 8588, and I urge my colleagues to do likewise.

Mr. Speaker. I recommend this bill's approval even at this late date.

Mr. RONCALIO. Mr. Speaker, will either gentleman yield to me for a question?

Mr. WYDLER. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Speaker, it has been reported, according to the Department of Health, Education, and Welfare, that the medicaid-medicare accounts of physicians in this country run $500 million a year.

Yet, I find that this bill would consolidate existing audit and investigative units of the Inspector General only in the Departments of Agriculture, Commerce, Housing and Urban Development, Labor and Transportation, the Community Services Administration, the Environmental Protection Agency, NASA, the Small Business Administration and the Veterans' Administration, but that that would not apply to HEW.

Why is that?

Mr. WYDLER. The reason is very important. If the gentleman remembers, we have already established an Inspector General in the Department of Health, Education, and Welfare. That has already been done. We did that first. It has been operated very successfully in HEW; and of course, is the model which shows why we need it in the other agencies of the Federal Government.

Mr. RONCALIO. Mr. Speaker, I am happy to know that, and I thank the gentleman.

Mr. FOUNTAIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BROOKS), the distinguished chairman of the full Committee on Government Operations.

Mr. BROOKS. Mr. Speaker, I thank my distinguished friend for yielding.

Mr. Speaker, this bill will provide appreciable benefits to the American people by improving the administration of Federal programs and reducing losses of taxpayers' money due to waste, inefficiency, and fraud.

We had a good example just the other week of the important role an Office of Inspector General can play in an executive department when the annual report of the Inspector General of the Department of Health, Education, and Welfare was released. It found that $7 billion a year is being lost or wasted at HEW through mismanagement and fraud. That report is bound to have quite an impact on the people who run those programs. They are going to have to make sure they do not show up in next year's report.

With H.R. 8588, we will establish similar offices in six other executive departments and six Federal agencies. These offices will not have any program responsibilities. They will be set up solely to conduct and supervise audits and investigations of programs. And the Inspector General, who will be appointed by the President, will not be under the control or supervision of anyone but the head of the agency.

After the Committee on Government Operations reported this bill last year, the administration raised some objections to it. They did not like certain parts of the reporting provision, which they felt raised a "separation of powers" problem. We agreed to sit down and try to work it out with them. We have done that. After many discussions and meetings we agreed on new language for the reporting section. Now the reports from the Inspector General will go to the head of the agency; but they must be transmitted to Congress by the head of the agency within 30 days without any change, but including any comments the agency head wants to make.

The administration is satisfied with this language. The President supports the bill. The Committee on Government Operations reported the original bill unanimously. The amendments have been approved by the ranking members on both sides and have been circulated among all the other members and we have heard of no objection.

This is a good bill, Mr. Speaker. It will strengthen the administration of our Federal programs and improve their integrity. It should be overwhelmingly approved by the House.

Mr. FOUNTAIN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I rise in support of H.R. 8588 which establishes Offices of Inspectors General within 11 executive departments and agencies. The need to establish such offices having overall responsibility for detecting fraud and program abuse within these various agencies and departments has been clearly documented. The American people are sick and tired of seeing their hard-earned tax dollars go down ratholes in waste and abuse of programs or line the pockets of thieves who defraud and steal from the Government.

My Government Operations Subcommittee on Intergovernmental Relations conducted extensive hearings both in this Congress and the last Congress. As a result of the hearings in the 94th Congress, an Office of Inspector General was established within the Department of HEW. Although only in operation for a year or so, the HEW Office of Inspector General has begun to prove itself to be effective in fighting fraud and abuse, and promoting Government efficiency and economy. A similar Office of Inspector General was set up in the Department of Energy created last year.

During the course of the subcommittee hearings, I repeatedly asked representatives of the various agencies whether the problem of fraud ran into billions of dollars. While acknowledging that fraud was a serious problem, no one was quite willing to admit the loss of billions of taxpayer dollars and preferred to say probably in the millions. However, the facts belie the situation. A recent report by the HEW Inspector General estimates that at least $6.3 billion to $7.4 billion was lost through fraud, abuse, and waste last year in that agency alone. GAO estimates that fraud in Federal economic assistance programs could amount from $12 billion to $15 billion a year and perhaps as much as $25 billion a year. I think those figures are still too low.

Present auditing and investigative capacity within the departments and agencies is woefully inadequate. The Department of Labor has only six trained criminal investigators to look into irregularities in expenditures of approximately $25 billion annually. The Department of Transportation assigned only four inspectors to detect fraud in the $6 billion Federal highway program last year. The Veterans' Administration had only one auditor for every $238 million in its budget. Moreover, the Justice Department which would prosecute cases of alleged fraud has only 13 attorneys and 3 supervisors within the fraud section of the civil division to handle about 1,200 active cases and a backlog of 4,000 referrals.

In addition, serious deficiencies are evident in auditing and investigative procedures used by the departments and agencies. Most of the investigators within the departments and agencies respond to complaints, as opposed to having affirmative programs to look for possible fraud and abuse. In some agencies, investigators may not initiate investigations without clearance from the administrators of the programs involved. Obviously, administrators have an allegiance to their programs and are not inclined to pursue efforts that may reveal fraud and reflect badly upon their pro-

grams. Who wants to be identified with a program that is full of cheaters?

Mr. Speaker, I would like to bring to your attention a series of articles which have appeared in the New York Times the past 3 days concerning fraud and abuse in Federal programs. These articles point out that Government defenses against fraud and abuse are meager. It appears to be easy to steal from the Government. This was again brought home to me when it was recently discovered that a DOT employee stole $856,000 in construction funds from the Atlanta rapid transit system. How was this done? The employee merely put his name on the checks and cashed them. Moreover, I understand that it was a fluke that this employee was even caught since an audit of the program from which the money was taken was not scheduled until 8 years later.

The bill we are considering today, H.R. 8588, will not rectify all problems. of fraud and abuse within or against Government agencies, but it will be a significant step in the right direction. The Inspectors General to be appointed by the President with the advice and consent of the Senate will first of all be independent and have no program responsibility to divide allegiances. The Inspectors General will be responsible for audits and investigations only. They will report directly to the agency head and to Congress to alert them to particularly serious or flagrant problems, abuses or deficiencies. Their offices will also coordinate and recommend policies to promote economy and efficiency in the administration of programs and operations.

Moreover, the Offices of Inspector General would not be a new "layer of bureaucracy" to plague the public. They would deal exclusively with the internal operations of the departments and agencies. Their public contact would only be for the beneficial and needed purpose of receiving complaints about problems with agency administration and in the investigation of fraud and abuse by those persons who are misusing or stealing taxpayer dollars. As one who is committed to limiting the size of the bureaucracy and making it work better, the establishment of Offices of Inspector Generals can accomplish this by streamlining and coordinating various investigative units within the departments and agencies and consequently achieving better results.

I urge you to join with me in supporting H.R. 8588. This bill will not create more government, but actually cut back on it and make certain that taxpayers get a dollar's value for a dollar spent. It will save money and will also assure that the funds which are spent end up where they are supposed to go.

Mr. BAUMAN. Mr. Speaker, will the gentleman from North Carolina yield for a question?

Mr. FOUNTAIN. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, in the course of consideration of the committee before reporting of this bill, did the committee hold any hearings that touched upon the abolition of the Office of Inspector General for the foreign aid program in the State Department?

I ask this question since a distinguished constituent of mine, Mr. John Shaw, served in that capacity until recently and was the last Inspector General of Foreign Aid. It is my impression, from discussions I have had with him and reports that he filed in that capacity, that if any program in the Government or any department needs an Inspector General, it is the foreign aid program and the State Department. Last year Congress abolished that position in a little noticed provision in the foreign aid authorization. Now we are legislating to extend the principle to other departments.

Mr. FOUNTAIN. I would like to respond to the gentleman by saying that the fact that the foreign aid program was not included in this legislation by no means should be construed to indicate that the subcommittee reached any conclusion that there should not be an Inspector General for Foreign aid.

We did not include an Inspector General for the State Department and for foreign aid in the bill because we felt these international operations involved some significant differences from the activities of the 12 domestic agencies included in the bill. This was also true of the Department of Defense, which has military rather than civilian operations, and also one or two other agencies.

We felt that the time available for hearings would not permit us to do a thorough job on any more than the 12 departments and agencies covered by the bill. This certainly does not preclude or prejudice our looking at other agencies in the future.

I can assure the gentleman that I would be glad to take a look at the operations of the State Department.

Mr. BAUMAN. I appreciate that assurance from the gentleman from North Carolina. Based on the critical reports that I read which were filed by Mr. Shaw during his service as Inspector General of the foreign aid program, apparently he was too effective and he stirred up much concern on the part of the higher-ups in the department. The net result was that the Office of Inspector General was abolished by this Congress, written into the foreign aid conference report last year.

This may be something that the gentleman's committee should watch very closely, the fact that if these ladies and gentlemen become too effective, they get bounced out of office.

Mr. FOUNTAIN. The gentleman makes an excellent point. As a matter of fact, the Department of Agriculture at one time, as a result of an investigation by our subcommittee of the operations of Billie Sol Estes administratively established an Inspector General. Secretary Butz abolished it. Also, there are some other agencies that have them. That is why we wanted to make it statutory so that Offices of Inspector General could not be abolished administratively.

Mr. BAUMAN. I thank the gentleman.

● Mr. FUQUA. Mr. Speaker, I am very pleased that the House of Representatives is today considering this important legislation which was reported out unanimously by the Committee on Government Operations.

I was proud to cosponsor the legislation, now public law, which created the post of Inspector General within the Department of Health, Education, and Welfare and supported the inclusion of an Inspector General in the legislation creating the Department of Energy.

The Inspector General at HEW has recently issued his first annual report and I believe this report clearly demonstrates the valuable contribution this position can make in our efforts to curb bureaucratic fraud, abuse, and inefficiency.

The Inspector General at HEW discovered that nearly 5 percent of that Department's budget is, in one form or another, mishandled and never goes to assist any of the people we are all dedicated to helping. It is shocking to learn that we are throwing away $7 billion but it would be even worse to go on without knowing what money is being wasted and where.

Congress continues to have a critical role to play in agency oversight investigations but the Federal Government has grown far too large for Congress to effectively police it without the benefit of an on-the-spot watchdog such as an Inspector General.

The Inspector General will be in a unique position to advise Congress as to areas which merit prompt attention and we will be much more successful in reducing, and hopefully eliminating, program fraud and abuse.

Let us face the simple fact that we cannot begin to take necessary legislative actions to curb abuses if we do not have a frame of reference as would be provided by the Inspector General.

Let no one think, however, that the Inspector General within these agencies will be a "tool" of Congress or a "spy." He or she, as a Presidential appointee, will be able to assist their agency heads and the President in determining what intra-agency actions can and should be taken to immediately correct problems. The President can direct improvements in many respects by Executive order but, like Congress, he needs up-to-date information and data.

The Inspector General will also be able to assist in determining what matters should be referred to the Justice Department for possible criminal action.

The costs of this legislation are modest . . . extremely modest when one considers the potential for savings to the taxpayer.

I am extremely enthusiastic about H.R. 8588 and I call upon my colleagues to join me in demonstrating to the American public that we in Congress are quite serious when we say we intend to do something about controlling the costs of the Federal Government and improving Government's efficiency. I wholeheartedly endorse this bill and urge its acceptance.●

● Mr. BEDELL. Mr. Speaker, I rise in support of H.R. 8588, and ask permission to revise and extend my remarks.

H.R. 8588 would establish Offices of Inspector General in the Departments of Agriculture, Commerce, HUD, Interior, Labor, and Transportation, and in the Community Services Administration, the EPA, GSA, NASA, SBA, and the Veterans' Administration, by consolidating existing audit and investigative units in each department and agency. These offices would conduct and supervise audits and investigations of their respective establishments and recommend policies to promote economy and efficiency and to prevent fraud and abuse, under the direction of Inspectors General who have been appointed by the President and confirmed by the Senate. The Department of Health, Education, and Welfare and the Department of Energy already have statutory Inspectors General.

I believe that H.R. 8588 is a much-needed piece of legislation. The 12 departments and agencies covered by the bill are responsible for the annual expenditure of almost $100 billion. They have in their employ over 600,000 individuals, here in Washington and throughout the country.

Through congressional hearings, media news stories and piecemeal official investigations, we have been made aware that so much money and too little accountability have provided irresistible temptations for thousands of individuals of various socioeconomic backgrounds to systematically cheat the Federal Government and the American taxpayer. It has been estimated by the General Accounting Office, the investigative arm of Congress, that outright fraud, occurring primarily in Federal economic assistance programs, could amount to between $12- to $15-billion per year through "white collar" crime.

Up until now, we have allowed ourselves to slip into a pattern of institutional negligence which has enabled the Federal Government to become too easily cheated on a massive scale. An all too frequent example of insufficient investigative efforts is the $6 billion Federal highway aid program to which the Department of Transportation last year assigned only four inspectors to root out fraud and abuse.

The resources devoted to auditing as a means of uncovering illegalities have been consistently inadequate to the task. According to the House Committee on Government Operations, in its report on the deficiencies in resources devoted to auditing and investigations:

> Internal audit cycles (the length of time it takes for all activities to be audited) are incredibly long. General Services Administration representatives testified that it would take as long as 20 years to audit all activities with that agency's present resources. Other lengthy audit cycles reported were 13 years for the Department of Commerce, 9 or 10 years for Interior, and 10 years for the Department of Transportation. The Small Business Administration and the Veterans Administration estimated their audit cycles as 12 to 14 and 10 to 12 years respectively.
>
> Witnesses for the Department of the Interior and the Department of Transportation acknowledged that their departments have never audited some activities.

Unfortunately, these audit cycles extend far beyond the applicable statutes of limitations, and most of these crimes, if they are indeed ever discovered, can thus not be prosecuted.

The House Government Operations Committee found many further cases of investigative resource deficiencies: The Veterans Administration's assignment of only one auditor for every $238 million in authorized program spending, and the Labor Department's budgeting of only three one-hundredths of 1 percent for investigations and audits out of almost $25 billion in annual expenditures, to list only two.

This shortage of personnel and money invested in the search for abuses is doubly unfortunate since many agencies have stated that additional auditors and investigators would more than repay their costs through savings and recovery of funds. With the auditors they do have on their payroll, the Veterans' Administration, for example, has saved or recovered more than $14 million at a cost of less than $3 million. The General Services Administration estimates its ratio of savings to cost at 20 to 1. The National Aeronautics and Space Administration estimates a ratio of savings to cost at 3 or 4 to 1.

Unfortunately, because of inadequate auditing and investigative efforts, the prevailing practice within most departments and agencies has been to passively wait for complaints to rise through the layers of bureaucratic hierarchy to a level where they may or may not be dealt with. Often, because of indifference, a lack of resources or a fear of rocking the boat and doing harm to the status of one's own program, little, if any remedy to the problem is found.

Occasionally, if a problem of fraud or abuse is widespread enough, it is discovered not within the Federal department or agency involved, but rather in the media. This was the case with the medicaid program, where abuses are now believed to have resulted in the misspending of 24 percent of medicaid funds. Criminal prosecutions are now expected in cases involving at least 290 doctors and 245 pharmacists.

There are many other recent examples of similar cases, most of them complex and involving large sums of money. In one, the Government is trying to recover $24 million from Cook Industries which, through short weighting, misgrading, or adulteration of grain shipments, defrauded the Government on grain sales to 32 foreign countries. While Cook Industries gained $24 million from the Government through fraud, it was the American farmer, already enduring the effects of a reduced return for his crops in the marketplace, as well as the hungry citizens of our Third World customers who were the real victims of this white-collar crime.

Mr. Speaker, beyond the enormous monetary costs of these thefts, there are also extremely significant social costs. Such crime does great harm to the programs established and implemented on the authority of the Congress to meet real and pressing national needs. When the integrity and effectiveness of these programs are damaged, those truly in need as well as those who must rely on the honesty and integrity of their Federal Government become the true victims. To my mind it has been demonstrated that there is solid ground for the growing apprehension among our people that waste has been allowed to run rampant and that a few, if they are dishonest and clever enough, have clear opportunities to steal from the Federal Government and the American people. I believe that if we are going to restore integrity in Government and at the same time stem the draining of billions of dollars in tax revenues away from their intended uses, we should implement and fully support offices of Inspectors General in the various Federal departments and agencies.●

Mr. FOUNTAIN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. FOUNTAIN) that the House suspend the rules and pass the bill H.R. 8588, as amended.

The question was taken.

Mr. LEVITAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

HUMPHREY INSTITUTE AND DIRKSEN CENTER ACT

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2452) to authorize funds for the Hubert H. Humphrey Institute of Public Affairs and for the Everett McKinley Dirksen Congressional Leadership Research Center, as amended.

The Clerk read as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hubert H. Humphrey Institute of Public Affairs and the Everett McKinley Dirksen Congressional Leadership Research Center Assistance Act".

SEC. 2. (a) In recognition of the public service of Senator Hubert H. Humphrey, the Commissioner of Education (hereafter in this Act referred to as the "Commissioner") is authorized to make grants in accordance with the provisions of this Act to assist in the development of the Hubert H. Humphrey Institute of Public Affairs, located at the University of Minnesota, Minneapolis-Saint Paul.

(b) In recognition of the public service of Senator Everett McKinley Dirksen, the Commissioner is authorized to make grants in accordance with the provisions of this Act to assist in the development of the Everett McKinley Dirksen Congressional Leadership Research Center, located in Pekin, Illinois.

SEC. 3. No payment may be made under this Act except upon an application at such time, in such manner, and containing or accom-

panied by such information as the Commissioner may require.

SEC. 4. (a) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of section 2(a) of this Act.

(b) There are authorized to be appropriated such sums, not to exceed $2,500,000, as may be necessary to carry out the provisions of section 2(b) of this Act.

(c) Funds appropriated pursuant to this Act shall remain available until expended.

(d) This Act shall take effect October 1, 1978.

The SPEAKER pro tempore. Is a second demanded?

Mr. BAUMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) will be recognized for 20 minutes, and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2452 is the Senate-passed version of legislation which has earlier passed the House to authorize a one-time appropriation of $5 million for the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. In honor of our late Vice President, this institute was founded last year "to perpetuate the innovative, creative, and humane approach to public service exemplified by the career of Senator Hubert H. Humphrey—a center for the education, stimulation, and recruitment of bright young men and women for positions in public and community service."

The Humphrey memorial bill was introduced on January 30 and was cosponsored by my distinguished colleague, the ranking minority member of the Education and Labor Committee (Mr. QUIE). It was reported unanimously from committee on February 8. It is a truly bipartisan proposal with close to 50 House sponsors.

The Senate passed it with an amendment on March 22 by a voice vote. The House version was adopted under suspension on February 21 by a vote of 356 to 53.

This gift from a grateful nation will provide a portion of the funds necessary to support the institute which Senator Humphrey asked to be his memorial. Through the institute, this living memorial will provide substantial scholarships to attract and train creative young people for leadership positions in public service and will offer programs of continuing education to professionals in the private and public sectors and to the general public.

The institute, Mr. Speaker, will create professorial chairs in public affairs and planning, graduate fellowships, public service internships, and lectureships. It will provide a curator and reference service for the Humphrey archives and will provide for a continuous updating and expansion of the Humphrey library collection.

The fund will make grants to faculty and advanced students for research projects in public policy and planning and support the development of applied research projects for local officials and political units. Finally, the institute will help support the university's weekly forum on public affairs.

In recognition of the international stature of Senator Humphrey and his role as a great statesman, other nations are planning to make significant contributions to the institute with the belief that there will be created at the University of Minnesota a center of great value to the international community.

Certainly, it is fitting for his colleagues to adopt this legislation joining other governments of the world in honoring the memory of this great American by contributing to the establishment of an institute to perpetuate the dedication to our democratic system demonstrated by former Vice President Humphrey during his entire public career which stretched over four decades.

The amendment added in the Senate authorizes $2,500,000 to assist in the development of the Everett McKinley Dirksen Congressional Leadership Research Center in Pekin, Ill. According to the board of directors, the goal of this center is "to serve as an educational institution * * * for the art and science of American politics and American government, in particular the role of the United States Congressional Leadership."

Mr. Speaker, there are certainly ample precedents for legislation of this sort. In memory of the late Senator Allen J. Ellender, Congress provided funds for grants in the form of fellowships to support the Close-Up program. Legislatioin was enacted to support the Wayne Morse Chair of Public Affairs at the University of Oregon in honor of the late Senator. To house the late Speaker's papers, Congress provided up to $1 million in aid to the Sam Rayburn Library in Texas. Our late Presidents are also honored in similar fashion.

Mr. Speaker, I hope we can demonstrate our gratitude to Hubert Humphrey by giving this legislation unanimous approval today.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Michigan yield?

Mr. FORD of Michigan. I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of S. 2452, a bill authorizing $5,000,000 for the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota; and $2,500,000 to assist the Everett McKinley Dirksen Congressional Leadership Center in Pekin, Ill.

S. 2452 passed the Senate on March 22, 1978, with strong bipartisan support. Earlier this year, Mr. Speaker, on February 21, by a vote of 356 to 53, the House passed H.R. 10606 providing $5,000,000 for the Humphrey Institute.

The House bill, which enjoyed such wide support, paid tribute to the late Senator from Minnesota in what I consider a most appropriate way.

I want at this point to compliment Mr. WILLIAM D. FORD, chairman of our Subcommittee on Postsecondary Education, for his efforts in guiding this legislation through the House. I would also like to commend Mr. QUIE, the ranking minority Member, and members of the committee on both sides of the aisle for their bipartisan support of this worthwhile legislation.

Mr. Speaker, the Senate provision honoring the late Senator from Illinois, is a most appropriate one—since it is concerned with the subject of congressional leadership. The Senate provision will add $2,500,000 to an endowment established by Senator Dirksen's estate for the Center for Congressional Leadership.

I am sure the provision added by the Senate is quite acceptable to my colleagues on this side, because of the man whose memory is honored in this way.

I want to assure my colleagues that these types of memorials are not without precedent—for the Congress has seen fit to enact memorials such as the Allen J. Ellender Fellowships; the Herbert Hoover Memorial; the Harry S. Truman Memorial Scholarship Act; and the Wayne Morse Chair of Law Politics.

Because both provisions in S. 2452—the Humphrey Institute and the Dirksen Research Center—will aid research and study leading to greater excellence in our public leaders, I believe every Member of this body can vote in favor of the bill.

I therefor urge unanimous approval of S. 2452.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman from Kentucky (Mr. PERKINS) for his contribution today and for his total cooperation in making possible the early consideration of this legislation. We were faced, frankly, with a situation where people outside of the country were showing a response faster than we were. Had it not been for the gentleman from Kentucky (Mr. PERKINS) insisting on rapidly moving this calendar before his committee, we would not be here today.

Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I join with the gentleman from Michigan (Mr. FORD) in support of the motion to take from the Speaker's desk S. 2452 and agree to the same with an amendment. As one of the original authors of the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota Twin Cities Campus bill, I am very pleased at the swift action of the Congress in dealing with this legislation. I support the action of the other body in adding an authorization for the Everett McKinley Dirksen Congressional Leadership Research Center in Pekin, Ill.

I am hopeful that the Subcommittee on Labor-HEW of the House Appropriations Committee will act in its mark-up session early next month to include the $5 million authorized in this legislation for the Humphrey Institute.

As I have often said before, Hubert Humphrey was a remarkable individual. His contributions to the Nation and his native State of Minnesota are legion and known to us all. There can be no more fitting memorial for him than the furtherance of an institute directed at public service in the preparation of professionals to enter into that field. The location of the institute at the University of Minnesota is an ideal choice and will make the programs of the Institute available to a wide variety of people from around the Nation and the world. The $20 million fundraising drive, of which the Federal share will be only one-quarter, will accomplish the following, according to information supplied by the university:

HOUSING FOR THE INSTITUTE

A central campus location has been selected as the site for a new building to house the institute. This facility will provide adequate space to accommodate the institute's programing objectives. It also will provide display and public reception areas.

PROFESSIONAL CHAIRS

The endowment will provide for the creation of at least three chairs in public affairs and planning, designed to bring a broad spectrum of knowledge to the institute. A major effort will be made to attract persons of national and international stature, recognized for their thinking, writing and activities on the large questions of public concern.

TEN GRADUATE FELLOWSHIPS

The topnotch students will be attracted to the institute by the most prestigious fellowships.

FIVE PUBLIC SERVICE INTERNSHIPS

As part of the institute's degree programs, all students must complete an internship to augment their academic training with job experience in public affairs work. Normally, interns are paid for their services. A portion of the endowment will be used to support interns who work for those public agencies and quasi-public and private nonprofit organizations that cannot afford to provide remuneration.

LECTURESHIPS

In the past, the public affairs school annually has appointed more than a dozen planners, governmental officials, and professionals in private practice to offer courses and workshops in their specialties. These programs are offered both for degree-seeking and continuing education students. To expand this outreach program of continuing education and professional training, the need for three additional lectureships has been identified for the institute.

HUMPHREY ARCHIVES

An extensive collection of Senator Humphrey's papers will be cataloged and maintained by the Minnesota Historical Society. The institute will provide a curator and reference service for the documents.

HUMPHREY LIBRARY COLLECTION

To serve the expanded programs of the institute, the endowment will provide for a continuous updating and expansion of the public affairs library collections.

DISPLAY AREA

While the bulk of the Humphrey papers will be housed at the Minnesota Historical Society, a selection of the papers and Humphrey memorabilia will be displayed at the institute. Situated nearby will be a public reception area.

PROBLEM SOLVING THROUGH RESEARCH

A fund will be established to make grants to faculty and advanced students needing support for research projects in public policy and planning. The fund also will support the development of applied research projects for local officials and political units.

PUBLIC AFFAIRS FORUM

Currently, the university produces and sponsors a weekly forum on public television which provides an indepth analysis of major public issues by key policymakers. Moneys from the institute endowment will help support the continuation of this forum and expansion of its programing.

As I noted when the House considered this legislation in February, there is ample precedent for this legislation. I urge my colleagues to join with me in supporting the motion of the gentleman from Michigan.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Maryland for yielding.

I want to take the opportunity here first to thank my friend, the chairman of the subcommittee, the gentleman from Michigan (Mr. FORD), and the ranking minority of the subcommittee, the gentleman from Minnesota (Mr. QUIE), for their kindness in accepting the language which was added by the Senate which for all practical purposes took on the text of the bill, H.R. 11000, which I had introduced here in the House. Unfortunately, there was not enough time for a hearing on my proposal so that it could have been included at the time we in the House originally considered this bill in honor of Hubert H. Humphrey.

Mr. Speaker, I think it is very appropriate, now that we have the two tied together. Both Senator Humphrey and Senator Dirksen were towering figures in the other body. They were leaders in the finest sense of the word. Both were regarded as official spokesman for their parties and every President from Roosevelt on relied heavily on their advice. Both were eloquent and noted for their ability to speak at length. They were at their best in debate. Both were witty and never at a loss for an appropriate anecdote.

Someone asked me why if we were honoring both men we should have only half of the money in the measure for Dirksen that we do for Hubert H. Humphrey. My answer to that question quite frankly is that if both men were supporting essentially the same program Ev Dirksen's solution would have cost the taxpayers half of Hubert Humphrey's solution.

It is unfortunate that we could not have the two men here to debate the merits or demerits of these different figures. They would have us in stitches, I am sure.

As I said, Mr. Speaker, I am very happy that the subcommittee has seen fit to marry the two proposals together.

Everett McKinley Dirksen was elected eight times to represent the people of the district I now have the honor of representing. He was elected U.S. Senator four times. He always remained a man who never forgot the basic principles of the people he represented.

That is why this grant of $2.5 million to the Dirksen Congressional Leadership Research Center in Pekin, Ill. is such a fitting tribute to his memory.

The Dirksen Center will honor the memory of the Senator in a way he himself would heartily approve. As Dirksen himself envisioned this center, it will be a place where students of government, political science and of history, from here and abroad, will come to inquire, to learn, to understand, and, hopefully, to be inspired.

The institute will be a place full of life and energy and the spirit of youth and idealism, a spirit Dirksen never lost throughout his life. Perhaps most important, it will be devoted to the study of politics and congressional leadership in particular, two subjects about which there can be no doubt concerning his expertness.

The center got its seed money from the estate of the late Senator, when he died in 1969 and an endowment was established to perpetuate the center located in Pekin, Ill. Approximately $1.5 million has been raised through private fundraising to date.

The long-range goals of the center are:

To serve as an educational institution . . . for the arts and sciences of American politics and American government, in particular the role of the United States Congressional leadership.

Current activities and planning for the Dirksen Center include:

Educational programs for all levels, from secondary to post-gradaute, including the American public at large;

Timely seminars throughout the United States on current public policy issues;

Publications and other projects to encourage a better understanding of the Congress; and

Expansion of research materials available at the center for the study of Congress and congressional leadership.

If Everett Dirksen were here, I am certain he could conclude these remarks with some typically wry and witty story and that he would leave us all a bit happier and a bit more informed than we were before he spoke.

He was unique and irreplaceable. So I just want to express my thanks, the thanks of the people of the 18th Congressional District of Illinois and the people of the State of Illinois. Although the center is located in the land and

among the people he loved and knew best, Ev Dirksen would, I am sure, want everyone to know that the center will serve all Americans who want to know more about the way we govern ourselves.

Mr. BAUMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I assume that in the flood of Federal spending that this is considered only a small droplet containing, as it does, about $7½ million. However, Mr. Speaker, I objected to the consideration of this bill originally because I do not feel it is an appropriate form of remembrance for any national figure. I know that some former Presidents have had Federal funding used to finance their libraries. But the honor bestowed upon them is now being extended to Vice Presidents and Senators and on and on. As I say, I do not feel it is the proper way in which to honor these men. I believe that their public careers should be their own monuments rather than to ask the public to pick up the cost of these projects out of tax dollars. I believe that this does a disservice to the taxpayers. Especially in view of the fact that when the legislation was originally before us it was only for the former Vice President Hubert H. Humphrey. Now it comes back from the other body adding $2½ million for the Everett McKinley Dirksen Congressional Leadership Research Center in Pekin, Ill., a classic example of political back scratching. I suppose another grant such as this does not greatly affect the Congress of the United States, except for its significance as a measure of your seriousness in fighting inflation.

We were told that this was to be the monument to Senator Humphrey, a grant to the University of Minnesota. Now I notice that the Committee on House Administration has reported out the Hubert H. Humphrey Fellowship in Social and Political Affairs that we will be asked to vote on for another $1 million for spending. Where is this going going to end? The possibilities are almost endless in which the taxpayers will be asked to fund projects for every deceased statesman. I think it is inappropriate. For that reason I oppose the legislation.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can appreciate the concern expressed by the gentleman from Maryland. I regret that the gentleman seems to miss the point of this action being taken by the House and the action that was taken by the other body. All we are talking about here is the authorization of an expenditure of moneys to educate young Americans and to do that under circumstances that will honor the people who for many years respected the need for the Federal Government to support education and the need for the broadening of our cultural attainments in this country by the use of Federal resources.

This is not a new procedure from the precedents which the Members can find if they will look in the report of our committee, or if Members review the list which I will insert at this point in the RECORD.

Precedents: The Congress has authorized appropriations for memorials to several outstanding public servants—including Presidents, Senators and Members of the House of Representatives.

Allen J. Ellender Fellowship Program (1972): Fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program (Close-Up Foundation). Now $1 million per year.

Grants to Eisenhower College and Rayburn Library (1974): $10 million authorized.

Authorizes the Secretary of the Treasury to give one-tenth of all moneys derived from the sale of $1 proof coins (Eisenhower Silver Dollars) to the Eisenhower College (provided that the Eisenhower College transfers one-tenth of all the money received pursuant to this Act to the Rayburn Library in Texas).

Herbert Hoover Memorial (1975): ($7 million.)

To establish an appropriate memorial to the late President . . . grants to the Hoover Institution on War, Revolution and Peace at Stanford University.

Harry S. Truman Memorial Scholarship Act (1975): $30 million to a scholarship fund for "persons who demonstrate outstanding potential for and who plan to pursue a career in public service."

Wayne Morse Chair of Law and Politics (1976): $500,000 to pay up to 50 percent of the cost of establishing the chair at the University of Oregon.

For instance, the Allen J. Ellender fellowship program, which includes the Close-Up Foundation program that many of the people here on the floor have participated in. Others are grants to the Eisenhower College and to the Rayburn Library; the Herbert Hoover Memorial, some $7 million; the Harry S. Truman Memorial Scholarship Act, which is a $30 million program; the Wayne Morse Chair of Law and Politics; and the L. B. J. intern program. None of these programs are for the purpose of building a monument or buying a piece of stone. They are for perpetuating a continuing process of providing access to education in fine institutions of this country for this and future generations of Americans.

Mr. Speaker, I now yield to the senior gentleman from Minnesota (Mr. FRASER) such time as he may consume.

Mr. FRASER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs. This institute will be a magnificent monument to the work of Hubert Humphrey. During the last months of his life he spoke of the institute as one of his dreams. This new effort was important to him because it would help prepare young people for a career of public service. For him there was no more important calling, and he knew that the institute would, in a small but significant way, help our democratic society function more effectively.

I can think of no better way to perpetuate Hubert Humphrey's commitment to social, political, and economic justice than to provide a strong and permanent foundation for this important new educational institution that will bear his name.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, I first want to commend our colleague, the gentleman from Michigan (Mr. FORD) for his leadership in bringing forth this legislation to the House.

Mr. Speaker, I rise in support of the bill. Hubert Humphrey never sought the kind of memorial that could only be visited and photographed. He never sought the kind of memorial that gains its dignity and its beauty from quiet. On the contrary, Hubert wanted a noisy memorial full of people, full of books, full of debate, full of history, and full, also, of the promise of this country and the promise of our people.

He sought, in short, a memorial that epitomized the kind of individual that he himself was: devoted to education, devoted to solutions, and devoted to young people with his commitment to a workable, compassionate, problem-solving, people-oriented government.

Before he was a politician and a statesman, Hubert was a teacher and an educator.

He never gave a speech without attaching a little lesson to it.

If there was something to learn, Hubert tried to learn it;

If there was something to teach, Hubert tried to teach it.

Almost every effort he made in public life was an effort to help someone or encourage someone to live up to full potential: to contribute, to seek solutions, to exchange ideas, and to see not only the kind of world we do live in, but to envision and build the kind of world we ought to live in.

The Humphrey Institute for Public Affairs and the Dirksen Leadership Research Center continue the efforts, the commitments, the vitality, and the promise of new Hubert Humphreys and Everett Dirksens, individuals with the ability not only to make history in America and throughout the world, but to foresee it.

Mr. Speaker, I urge my colleagues to pass this legislation overwhelmingly.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman, and I commend the gentleman for his efforts and leadership.

It is truly fitting that we establish the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. I say this not just because I represent Minnesota or because Hubert Humphrey was my colleague and friend.

The institute stands on its own merits. It is being established in tribute to the late Senator, but its reason for existence goes beyond that.

The institute was founded to "perpetuate the innovative, creative, and humane approach to public service exemplified by the career of Senator Hubert Humphrey, and to be a center for the education, stimulation, and recruitment of bright young men and women for

positions in public and community service."

The institute will be unique. It is for students who want to be administrators and legislators. And it is structured to meet the needs of our changing times and changing policies.

The lessons that Hubert Humphrey taught us during his four decades of leadership and public service—lessons of decency, integrity, courage, and compassion—will help form the basic philosophy underlying the institute's curricula and programs. Hubert Humphrey's record, his style, his optimistic approach to the gigantic problems of this world, will provide the backdrop against which these bright young men and women who attend the institute will learn and grow.

We need the Hubert Humphrey Institute of Public Affairs because we need to continue the tradition and contributions that marked the late Senator's life. The good that will come from this institute benefits not just us, but nations throughout the world. I am proud to speak in behalf of the institute and I hope you will join me in supporting this country's gift to it.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. FORD) that the House suspend the rules and pass the Senate bill (S. 2452), as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with respect to the Senate bill (S. 2452).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 8588 and S. 2452, on which the yeas and nays were ordered.

The Chair will reduce to 5 minutes the time for any electronic votes after the first vote in this series.

ESTABLISHING OFFICES OF INSPECTOR GENERAL

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 8588, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. FOUNTAIN) that the House suspend the rules and pass the bill H.R. 8588, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 6, not voting 40, as follows:

[Roll No. 229]

YEAS—388

Abdnor
Addabbo
Akaka
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Ashley
AuCoin
Badham
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clawson, Del
Clay
Cleveland
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Goodling
Gradison
Grassley
Green
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kelly
Ketchum
Keys
Kildee
Kindness
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Lehman
Lent
Levitas
Livingston
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Motti
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, John
Myers, Michael
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
O'Brien
Ottinger
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Pursell
Quayle
Quie
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steers
Steiger
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Thompson
Traxler
Treen
Trible
Tsongas
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Waggonner
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—6

Early
Gore
Jeffords
Kostmayer
McKay
Panetta

NOT VOTING—40

Alexander
Ammerman
Armstrong
Aspin
Bonker
Burke, Calif.
Cavanaugh
Clausen, Don H.
Cochran
Conyers
Corman
Crane
Dellums
Eilberg
Evans, Colo.
Gammage
Goldwater
Hefner
Howard
Hubbard
Jones, N.C.
Kazen
Kemp
Krueger
Leggett
Mollohan
Rahall
Rodino
Rose
Runnels
Ruppe
Teague
Thone
Thornton
Tucker
Vander Jagt
Walgren
Whitley
Wilson, C. H.
Young, Tex.

The Clerk announced the following pairs:

Mr. Howard with Mr. Armstrong.

Mrs. Burke of California with Mr. Vander Jagt.

Mr. Gammage with Mr. Ruppe.

Mr. Walgren with Mr. Goldwater.

Mr. Ammerman with Mr. Hefner.

Mr. Dellums with Mr. Evans of Colorado.

Mr. Krueger with Mr. Aspin.

Mr. Thornton with Mr. Bonker.

Mr. Rodino with Mr. Cavanaugh.

Mr. Rahall with Mr. Kemp.

Mr. Eilberg with Mr. Leggett.

Mr. Kazen with Mr. Don H. Clausen.

Mr. Teague with Mr. Corman.

Mr. Runnels with Mr. Hubbard.

Mr. Rose with Mr. Cochran of Mississippi.

Mr. Charles H. Wilson of California with Mr. Crane.

Mr. Jones of North Carolina with Mr. Mollohan.

Mr. Whitley with Mr. Conyers.
Mr. Alexander with Mr. Tucker.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to reorganize the executive branch of the Government and increase its economy and efficiency by establishing Offices of Inspector General within the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Pursuant to the provisions of clause 3(b)(3) of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

HUMPHREY INSTITUTE AND DIRKSEN CENTER ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill S. 2452, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. FORD) that the House suspend the rules and pass the Senate bill, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 127, not voting 40, as follows:

[Roll No. 230]

YEAS—267

Abdnor	Bonior	Coleman
Addabbo	Bowen	Collins, Ill.
Akaka	Brademas	Conte
Allen	Breckinridge	Corcoran
Ambro	Brodhead	Cornell
Anderson, Ill.	Brooks	Cornwell
Andrews, N.C.	Brown, Calif.	Cotter
Andrews, N. Dak.	Brown, Mich.	Coughlin
	Brown, Ohio	D'Amours
Annunzio	Broyhill	Danielson
Applegate	Buchanan	Davis
Ashley	Burgener	de la Garza
Baldus	Burke, Mass.	Delaney
Baucus	Burlison, Mo.	Dent
Beard, R.I.	Burton, John	Dicks
Bedell	Burton, Phillip	Diggs
Benjamin	Byron	Dodd
Bennett	Caputo	Downey
Biaggi	Carney	Drinan
Bingham	Carr	Duncan, Tenn.
Blanchard	Carter	Early
Blouin	Cederberg	Eckhardt
Boggs	Chisholm	Edgar
Boland	Clay	Edwards, Calif.
Bolling	Cohen	Emery
Evans, Del.	McFall	Richmond
Evans, Ind.	McHugh	Rinaldo
Fary	McKinney	Roberts
Fascell	Madigan	Roe
Fenwick	Mahon	Rogers
Findley	Markey	Roncalio
Fish	Marks	Rooney
Fithian	Marlenee	Rosenthal
Flood	Martin	Rostenkowski
Florio	Mazzoli	Roybal
Foley	Meeds	Ruppe
Ford, Mich.	Metcalfe	Ryan
Ford, Tenn.	Meyner	Santini
Forsythe	Michel	Sarasin
Fraser	Mikulski	Sawyer
Frenzel	Miller, Calif.	Schroeder
Fuqua	Mineta	Schulze
Gaydos	Minish	Sebelius
Gibbons	Mitchell, Md.	Seiberling
Gilman	Mitchell, N.Y.	Shipley
Goldwater	Moakley	Simon
Gore	Moffett	Sisk
Gradison	Moore	Skelton
Grassley	Moorhead, Pa.	Skubitz
Green	Moss	Slack
Gudger	Motti	Smith, Iowa
Hagedorn	Murphy, Ill.	Smith, Nebr.
Hammer-schmidt	Murphy, N.Y.	Solarz
	Murphy, Pa.	Spellman
Hanley	Murtha	St Germain
Hannaford	Myers, Gary	Staggers
Harkin	Myers, John	Stangeland
Harrington	Myers, Michael	Stanton
Harris	Natcher	Stark
Hawkins	Nedzi	Steed
Heckler	Nix	Steers
Hightower	Nolan	Steiger
Hillis	Nowak	Stockman
Holland	Oakar	Stokes
Hollenbeck	Oberstar	Stratton
Horton	Obey	Studds
Jeffords	Ottinger	Thompson
Johnson, Calif.	Panetta	Traxler
Johnson, Colo.	Patterson	Treen
Jones, Okla.	Pattison	Tsongas
Jones, Tenn.	Pease	Udall
Jordan	Pepper	Ullman
Kastenmeier	Perkins	Van Deerlin
Kemp	Pettis	Vanik
Kildee	Pickle	Vento
Kindness	Pike	Wampler
Krebs	Poage	Waxman
LaFalce	Pressler	Weaver
Lagomarsino	Preyer	Weiss
Le Fante	Price	Whalen
Leach	Pritchard	White
Lederer	Pursell	Whitehurst
Lehman	Quie	Wilson, Bob
Lloyd, Calif.	Quillen	Wolff
Long, La.	Rahall	Wright
Lundine	Railsback	Young, Alaska
McClory	Rangel	Young, Mo.
McCloskey	Regula	Zablocki
McCormack	Reuss	Zeferetti
McDade	Rhodes	

NAYS—127

Anderson, Calif.	English	Kostmayer
	Erlenborn	Latta
Archer	Ertel	Lent
Ashbrook	Evans, Ga.	Levitas
AuCoin	Fisher	Livingston
Badham	Flippo	Lloyd, Tenn.
Bafalis	Flowers	Long, Md.
Barnard	Flynt	Lott
Bauman	Fountain	Lujan
Beard, Tenn.	Fowler	Luken
Bellenson	Frey	McDonald
Bevill	Gephardt	McEwen
Breaux	Giaimo	McKay
Brinkley	Ginn	Maguire
Broomfield	Glickman	Mann
Burke, Fla.	Goodling	Marriott
Burleson, Tex.	Guyer	Mathis
Butler	Hall	Mattox
Chappell	Hamilton	Mikva
Clawson, Del	Hansen	Milford
Cleveland	Harsha	Miller, Ohio
Collins, Tex.	Heftel	Montgomery
Conable	Holt	Moorhead, Calif.
Crane	Huckaby	
Cunningham	Hughes	Neal
Daniel, Dan	Hyde	Nichols
Daniel, R. W.	Ichord	O'Brien
Derrick	Ireland	Patten
Derwinski	Jacobs	Quayle
Devine	Jenkins	Risenhoover
Dickinson	Jenrette	Robinson
Dingell	Kasten	Rudd
Dornan	Kelly	Russo
Edwards, Ala.	Ketchum	Satterfield
Edwards, Okla.	Keys	Scheuer
Sharp	Trible	Wilson, Tex.
Shuster	Volkmer	Winn
Sikes	Waggonner	Wirth
Snyder	Walker	Wydler
Spence	Walsh	Wylie
Stump	Watkins	Yates
Symms	Whitten	Yatron
Taylor	Wiggins	Young, Fla.

NOT VOTING—40

Alexander	Eilberg	Rodino
Ammerman	Evans, Colo.	Rose
Armstrong	Gammage	Rousselot
Aspin	Garcia	Runnels
Bonker	Gonzalez	Teague
Burke, Calif.	Hefner	Thone
Cavanaugh	Holtzman	Thornton
Clausen, Don H.	Howard	Tucker
	Hubbard	Vander Jagt
Cochran	Jones, N.C.	Walgren
Conyers	Kazen	Whitley
Corman	Krueger	Wilson, C. H.
Dellums	Leggett	Young, Tex.
Duncan, Oreg.	Mollohan	

The Clerk announced the following pairs:

Mr. Rodino with Mr. Jones of North Carolina.
Mr. Howard with Mr. Whitley.
Mrs. Burke of California with Mr. Alexander.
Mr. Gammage with Mr. Thornton.
Mr. Dellums with Mr. Walgren.
Mr. Ammerman with Mr. Aspin.
Mr. Krueger with Mr. Mollohan.
Mr. Eilberg with Mr. Garcia.
Ms. Holtzman with Mr. Duncan of Oregon.
Mr. Teague with Mr. Conyers.
Mr. Runnels with Mr. Bonker.
Mr. Rose with Mr. Leggett.
Mr. Hubbard with Mr. Vander Jagt.
Mr. Corman with Mr. Tucker.
Mr. Gonzalez with Mr. Charles H. Wilson of California.
Mr. Hefner with Mr. Don H. Clausen.
Mr. Kazen with Mr. Cavanaugh.
Mr. Cochran of Mississippi with Mr. Armstrong.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs and for the Everett McKinley Dirksen Congressional Leadership Research Center."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 8588, establishing Offices of the Inspector General.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from California?

There was no objection.

ZUNI INDIANS COURT OF CLAIMS CASE

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3787) to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 3787, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 482, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 3787 as passed by the House.

The SPEAKER pro tempore. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT) pending which I yield myself such time as I may consume.

Mr. Speaker, this is a very simple 1-hour open rule dealing with a problem in New Mexico in connection with the Zuni Indians.

Mr. Speaker, I want to just take this opportunity to pay a special tribute to the Zuni Indian Tribe and the Zuni people. Those of us in the West who represent national forests and forest areas throughout the West are particularly appreciative of the great deeds of the Zuni Indians. They are probably the greatest fire jumpers in this world. We use them in California from time to time in connection with our own forest fires. They come in and they are dropped from airplanes into the midst of areas where a fire exists. They have done a tremendous job in forest firefighting throughout the years. I simply want to take this opportunity to pay tribute to them, although I do not represent the Zuni Indian Tribe, as do our friends the representatives from New Mexico, but I do want to take this opportunity to express my deep appreciation for the great contribution that these people have made to the people in the western part of our Nation.

Mr. Speaker, House Resolution 1126 provides for the consideration of H.R. 3787, the Zuni Indians Land bill.

This is a simple, open rule providing for 1 hour of general debate with the time equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

The rule further provides that upon passage of H.R. 3787 the Committee on Interior and Insular Affairs will be discharged from further consideration of the bill, S. 482, the Senate companion measure. It shall then be in order in the House to move to strike out all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 3787 as passed by the House.

Mr. Speaker, H.R. 3787 seeks to address certain problems confronted by the Zuni Indian Tribe of New Mexico. Basically the bill does two things. It direct the Secretary of Interior to acquire, through purchase or exchange, 618.41 acres of land including the Zuni Salt Lake in New Mexico and to hold the land in trust for the Zuni Indian Tribe. This lake is the most sacred shrine of the Zuni Indians and plays a very prominent role in the present religion and culture of the Zuni people. It is located about 18 miles south of the existing reservation boundary. The Zuni Indians have made repeated efforts to purchase the lake and have recently acquired lease rights to the area from the State of New Mexico which holds title to the land.

The bill also provides that the Zuni Indian Tribe may file any claims they may have against the United States in the U.S. Court of Claims. The Zuni Indians are currently prohibited from filing land claims in court because they did not file their claims by 1951, the cutoff date mandated by the Indian Claims Commission Act. Until recently the Zuni Indians were legally represented by the Bureau of Indian Affairs. Due to certain misunderstandings, the tribe, apparently, was not aware of rights to file land claims with the Indian Claims Commission during the appropriate time frame. This bill simply allows the Zuni Indians to go to court to pursue their claims.

Mr. Speaker, again I say, although I do not represent the Zuni Indians, I am aware, as are many of my western colleagues, of their very fine reputation as firefighters. The Zuni Indians are renowned for their bravery in parachuting into forest fires to put out hot spots. The Zuni Indians are owed a debt of gratitude by all of us for the valiant service they have performed over the years in helping to protect our national forest resources.

Mr. Speaker, H.R. 3787 is a bill worthy of consideration by this House, and I would urge my colleagues to adopt House Resolution 1126 so that we might begin deliberations on this matter.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour, open rule allowing consideration of H.R. 3787, legislation involving the Zuni Indian Tribe of New Mexico. The rule also provides that after passage of this bill, the Interior and Insular Affairs Committee is discharged from further consideration of S. 482; it will be in order to move to strike the Senate language therein and substitute the text of H.R. 3787 as passed by the House.

As reported, H.R. 3787 directs the Secretary of the Interior to acquire, either through purchase or exchange, from the State of New Mexico approximately 618 acres of land which encloses the Zuni Salt Lake, the most sacred shrine of the Zuni Tribe. Title to the lands is to be taken by the United States and held in trust for the benefit of the Zuni Indians. In addition, the bill confers jurisdiction on the U.S. Court of Claims to hear and render judgment on land claims arising prior to August 13, 1946, which the tribe has against the United States. Any award made by the Indian Claims Commission with respect to these lands located in New Mexico and Arizona is not to be considered as a defense, estoppel, or setoff to these claims.

The cost of acquiring the 618 acres outright is estimated at $30,000. If there is an exchange, no budget impact will occur. The costs of the land claims is dependent upon the judgment of the court.

I know of no objection to the passage of this rule.

Mr. SISK. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RONCALIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3787) to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wyoming (Mr. RONCALIO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3787, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wyoming (Mr. RONCALIO) will be recognized for 30 min- and the gentleman from Colorado (Mr.

JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3787 provides for the acquisition of certain lands of religious significance to the Zuni Indian Tribe and for the filing of Zuni land claims against the United States.

Section 1 of the bill directs the Secretary of the Interior to acquire for the Zuni Tribe 600 acres of land in New Mexico surrounding and containing the Zuni Salt Lake. The lake is a sacred, religious shrine of the Zuni traditional religion, but was excluded from the Zuni Reservation. The land is currently in the ownership of the State of New Mexico which is willing to sell or exchange the land.

The lands were leased by the State for development as a salt mine. This desecration of the shrine was an affront to the Zuni who have continuously sought to recover ownership of the lake. Recently, the tribe paid $250,000 for the lease rights to the lake to prevent further desecration. The appraised value of the land itself is only $30,000. This bill provides for the acquisition of the lake to prevent any possibility of further desecration and to secure to the Zuni their right to religious worship.

Section 2 of the bill authorizes the Zuni Indian Tribe to file its land claims against the United States with the Court of Claims notwithstanding the limitation contained in the Indian Claims Commission Act of 1946.

Mr. Chairman, as I stated to the Rules Committee on two occasions, it is not the intent of the Interior Committee to upset the underlying policy of the Indian Claims Commission Act to bring to an end these old land claims of the Indian tribes. Nor is it our policy to reopen the floodgates to these kind of claims.

There are only a few claims remaining. It is the committee's policy to review each of these requests on an individual basis and on their individual merits. Where we find that the failure to timely file was clearly not the fault of the tribe; where an outside factor contributed to that failure; and where a denial of permission to file would be a denial of elementary justice, we will recommend an exception.

The committee strongly feels that these factors are present in the Zuni case.

The committee report sets the case out in detail and I will only stress the central point in our decision.

Recognizing that many Indian tribes of that day were relatively unsophisticated in these matters, Congress imposed a positive burden on the Commission and the Bureau of Indian Affairs to notify the tribes of the provisions of the act and to advise them of their rights.

Documents submitted to the subcommittee and testimony taken not only show that the BIA agency superintendent failed in this positive duty, but actually prepared a letter for the signature of the Zuni chief denying any knowledge of claims against the United States.

Mr. Chairman, this default is even more inexcusable when you realize that the Zuni people and their leaders, at that time, were not organized; had no employees or staff of their own; had no legal counsel; were illiterate in English; and were entirely dependent upon the Bureau of Indian Affairs for advice and assistance.

There is a section 3 which the committee recommends be stricken. I will offer that amendment and another committee amendment at the appropriate time.

Mr. Chairman, I urge passage of the bill, as amended.

Mr. JOHNSON of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I might inform the Members that this bill has already been passed by the Senate. Of course, it is awaiting House action.

Mr. Chairman, this bill would accomplish two objectives of genuine importance to the Zuni Indian Tribe of New Mexico:

First, it would direct the Secretary of the Interior to obtain by land trade with the State of New Mexico 618 acres upon which is located the Zuni Salt Lake, the most sacred shrine of the Zuni people. Though there is minimal commercial value to the desert land involved—approximately $30,000—New Mexico law prohibits the State from selling land to anyone but permits land transfers to the Federal Government. Hence, the shrine legally lost by the tribe many years ago, but cared for by them ever since, can only be restored to the tribe by Federal action.

Second, the legislation would permit the Indian tribe to file with the U.S. Court of Claims for compensation for land lost due to the Federal Government's failure to protect them in their ownership. The filing deadline under the Indian Claims Act expired in 1951.

In hearings before the House Indian Affairs Subcommittee in 1976 and again in 1977, and before the Senate in 1976, the Zunis set forth convincing evidence which I strongly believe justifies this waiver of the statute. It is clear to me that the Bureau of Indian Affairs not only failed to perform its trustee obligation to the tribe, but there is a clear inference in the evidence that the local BIA agents misled the tribe as to their rights and their obligations to act to protect their interests before a deadline. As a consequence, no claim was ever filed.

According to the Bureau of Indian Affairs in testimony offered by the Ford Interior Department in 1976 and the Carter Interior Department in 1977, this case is unique among possible other claimants because of the evidence of BIA trusteeship failure. The Interior Department testified this past June in favor of passage of this legislation, urging that the Zunis be authorized to file their land claim.

This claim would be adjudicated by the court of claims with any eventual recovery dependent on the affirmative case of aboriginal ownership which the tribe could prove, on the same basis on which other tribes who filed in a timely manner have made claims before the Indian Claims Commission.

Mr. JOHNSON of Colorado. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think the only question to which we should alert the Members of this body about which there is any disagreement on this subject is the extension of time on this claim. All claims were to be filed by 1951. We are not particularly setting a precedent in granting an extension of 3 years for the Zunis because these are unique circumstances and we do not know of them having been repeated elsewhere. There are, however, perhaps somewhere between 10 to 15 other claims of various Indian tribes, we do not know exactly how many, that might wish to come in and ask for an extension of time to file long past the 1951 filing deadline.

Those of us who have had some experience with this particular problem perhaps are biased. Perhaps we are not as objective as we should be; but it seems to me that those extensions which we have brought to the floor of the House, the first was the Wichitas and the Zunis are the second one, are justified by their own peculiar circumstances.

I do not wish to speak for the chairman of the subcommittee or anyone else on this side of the aisle, but when facts are brought to our attention as in the cases of the Wichitas and the Zunis, I believe justice to the tribes involved should be our first consideration. We may have another 10 to 15 claims for extensions and I think they should be considered on a case-by-case basis. I realize that the deadline for filing was 1951, 27 years ago, but we must not allow the current anti-Indian bias to prevent us from seeing that the intent of the act of 1946 be carried out. The intent of the act was to compensate tribes for the violent taking of their lands, and once and for all extinguish all aboriginal claims. It was a worthy aim, and we are in the process of achieving it; but we have not achieved it yet. There may be some other justifiable claims and there may not. I cannot assure Members on that point, I am urging that we pass this bill to see that the Zunis receive a hearing to which they are entitled, and approach any future claims by other tribes with open minds not befuddled by the prejudice and demagoguery which is presently prominent in discussion of Indian affairs.

In other words, as each tribe presents its claim, we should consider it individually, not with regard to either this treatment or the treatment of the Wichitas as being a precedent which is binding on any subsequent claims that might arise.

Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. RONCALIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take an additional minute or two to state for

the record my further support of the bill, reinforcing the support of my colleague, the gentleman from Colorado (Mr. JOHNSON).

There is nothing in the record that would indicate that the superintendent of the agency did anything to promulgate or make known the contents of the Indian Claims Commission Act to the Zuni people. In fact, there are affidavits in the hearings before the subcommittee that indicate there never were any public meetings held to discuss the Indian Claims Commission Act and that the content of the letter from the Indian Claims Commission was never made public, translated or otherwise made known to the Governor, the tribal council, or to the people in general.

The record further indicates that officials of the BIA having jurisdiction over the Zuni Tribe prepared a letter for the Governor's signature wherein the Governor had no knowledge of any claim which the Zuni Tribe may have had against the United States.

The Governor who signed the letter stated in an affidavit that when he signed the letter denying knowledge of the claims, he did not know what he was signing but assumed that it had something to do with the Homestead Act. The prepared letter was then forwarded to the Indian Claims Commission.

It should be noted that other than the Bureau of Indian Affairs, the Zuni Tribe had no offices, no employees, no tribal counsel, nor any other person in a position to provide it with information about the Indian Claims Commission Act, and it ill-behooves the guardian to benefit from a transaction which has been done as a violation of a stated trust responsibility, not only on the part of the superintendent of the Zuni people but in fact by the people of America, as it related to any amount of acreage.

So, Mr. Chairman, I urge the adoption of H.R. 3787.

● Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 3787 which provides for the acquisition or trade with the State of New Mexico of 618 acres of an area of "historical and religious" significance to the Zuni Indian Tribe known as "Salt Mother," to be held in trust for the tribe.

This legislation also provides the following: A 3-year time limit for the Zuni Indians to assert their claim before the Indian Claims Commission, and confers jurisdiction for the court of claims.

This legislation recognizes past injustices and the efforts we must make to correct them. Taking all aspects of this bill into consideration, I feel my affirmative support shows compassion for the Zuni Indian Tribe at an extremely nominal cost to the American taxpayer.●

Mr. RONCALIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 3787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall acquire, through purchase or exchange, the lands described in subsection (b).

(b) The lands to be acquired under subsection (a) are lands in the State of New Mexico upon which the Zuni Salt Lake is located and which are more particularly described as follows: Lots 3 and 4, east half southwest quarter, west half southeast quarter, section 30, township 3 north, range 18 west, lots 1 and 2, east half northwest quarter, west half northeast quarter, section 31, township 3 north, range 18 west, southeast quarter southeast quarter, section 25, and east half northeast quarter, section 36, township 3 north, range 19 west, all of the New Mexico principal meridian, New Mexico, containing approximately 618.41 acres, more or less.

(c) Title to the lands to be acquired under subsection (a) shall be taken and held in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the "tribe"), and such lands shall be exempt from State and local taxation.

SEC. 2. (a) Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052; 25 U.S.C. 70k), jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on any claims of the tribe against the United States with respect to any lands or interests therein in the State of New Mexico or the State of Arizona held by aboriginal title otherwise, which were acquired from the tribe without payment of adequate compensation by the United States. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedies. Any party to any action under this subsection shall have the right to have any final decision of the Court of Claims reviewed by appeal to the Supreme Court of the United States.

(b)(1) Any award made to any Indian tribe other than the Zuni Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under subsection (a) shall not be considered as a defense, estoppel, or setoff to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

(b)(2) Any award made to the tribe pursuant to subsection (a) shall not be considered as a defense, estoppel, or setoff to the claims pending before the Indian Claims Commission on the date of the enactment of this Act in docket 196 (filed August 3, 1951) and docket 229 (filed August 8, 1951), and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claims.

SEC. 3. (a) For purposes of making additions to the Zuni Indian Reservation, the tribe may, subject to approval by the Secretary, purchase or otherwise acquire any lands within the State of New Mexico or the State of Arizona which are contiguous to such reservation.

(b) The tribe may, subject to approval by the Secretary, exchange any lands held by such tribe which are not contiguous to the Zuni Indian Reservation for lands of equal or comparable value held by any person, any State, any agency or political subdivision of a State, or any agency or department of the United States.

(c) Title to any lands which are—

(1) acquired by the tribe under subsection (a), or

(2) acquired by the tribe under subsection (b) and which are contiguous to the Zuni Indian Reservation, shall be taken and held in trust in the name of the United States for the benefit of the tribe. Any such lands shall be considered for all purposes as part of such reservation, and shall be exempt from State and local taxation.

(d) Title to any lands acquired by the tribe under subsection (b) which are not contiguous to the Zuni Indian Reservation shall be held in the name of the tribe.

Mr. RONCALIO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request from the gentleman from Wyoming?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 17 through page 3, line 6, strike the present text and insert in lieu thereof the following:

Sec. 2. (a) Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052; 25 U.S.C. 70k), jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on any claims of the Zuni Indian Tribe of New Mexico against the United States with respect to any lands or interests therein in the State of New Mexico or the State of Arizona held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States: *Provided,* That jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after approval of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedies.

Mr. RONCALIO (during the reading). Mr. Chairman, I ask unanimous consent that both committee amendments be considered as read, printed in the RECORD, and that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The remaining committee amendment is as follows:

Committee amendment: Page 4, line 14 through page 5, line 12, strike all of section 3.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3787) to direct the Secretary of the

Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona, pursuant to House Resolution 1126, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 347, nays 48, not voting 39, as follows:

[Roll No. 231]

YEAS—347

Abdnor	Burton, Phillip	Evans, Ind.
Addabbo	Byron	Fary
Akaka	Caputo	Fascell
Alexander	Carney	Fish
Ambro	Carter	Fisher
Anderson, Calif.	Cederberg	Fithian
	Chappell	Flippo
Anderson, Ill.	Chisholm	Flood
Andrews, N.C.	Clawson, Del	Florio
Andrews, N. Dak.	Clay	Flowers
	Cleveland	Ford, Tenn.
Annunzio	Cohen	Forsythe
Applegate	Coleman	Fountain
Armstrong	Collins, Ill.	Fowler
Ashley	Collins, Tex.	Fraser
Bafalis	Conable	Frenzel
Baldus	Conte	Frey
Barnard	Corcoran	Fuqua
Baucus	Corman	Garcia
Beard, R.I.	Cornell	Gaydos
Beard, Tenn.	Cornwell	Gephardt
Bedell	Cotter	Giaimo
Beilenson	Coughlin	Gibbons
Benjamin	Crane	Gilman
Bennett	D'Amours	Ginn
Bevill	Danielson	Glickman
Biaggi	Davis	Goldwater
Bingham	de la Garza	Gonzalez
Blanchard	Delaney	Gore
Boggs	Dent	Grassley
Boland	Derrick	Green
Bonior	Derwinski	Gudger
Bowen	Dickinson	Hagedorn
Brademas	Diggs	Hall
Breaux	Dingell	Hamilton
Breckinridge	Dodd	Hanley
Brinkley	Dornan	Hannaford
Brodhead	Downey	Harkin
Brooks	Drinan	Harrington
Broomfield	Duncan, Tenn.	Harris
Brown, Calif.	Early	Hawkins
Brown, Mich.	Edgar	Heckler
Brown, Ohio	Edwards, Ala.	Heftel
Broyhill	Edwards, Calif.	Hightower
Buchanan	Edwards, Okla.	Hillis
Burgener	Emery	Holland
Burke, Mass.	English	Hollenbeck
Burleson, Tex.	Erlenborn	Holt
Burlison, Mo.	Ertel	Holtzman
Burton, John	Evans, Ga.	Huckaby
Hyde	Moakley	Schulze
Ireland	Moffett	Sebelius
Jacobs	Mollohan	Seiberling
Jeffords	Montgomery	Sharp
Jenkins	Moore	Shipley
Jenrette	Moorhead, Pa.	Shuster
Johnson, Calif.	Moss	Sikes
Johnson, Colo.	Murphy, Ill.	Simon
Jones, Okla.	Murphy, N.Y.	Sisk
Jones, Tenn.	Murphy, Pa.	Skubitz
Jordan	Murtha	Slack
Kasten	Myers, John	Smith, Iowa
Kastenmeier	Myers, Michael	Smith, Nebr.
Kemp	Natcher	Solarz
Keys	Neal	Spellman
Kildee	Nedzi	Spence
Kostmayer	Nichols	St Germain
Krebs	Nix	Staggers
LaFalce	Nolan	Stanton
Lagomarsino	Nowak	Stark
Latta	O'Brien	Steed
Le Fante	Oakar	Steers
Leach	Oberstar	Steiger
Lederer	Obey	Stockman
Lehman	Ottinger	Stokes
Lent	Panetta	Stratton
Levitas	Patten	Studds
Livingston	Patterson	Symms
Lloyd, Calif.	Pattison	Teague
Lloyd, Tenn.	Pease	Thompson
Long, La.	Pepper	Traxler
Long, Md.	Perkins	Treen
Lott	Pettis	Trible
Lujan	Pickle	Tsongas
Luken	Pike	Udall
Lundine	Poage	Ullman
McClory	Pressler	Van Deerlin
McCloskey	Preyer	Vanik
McDade	Price	Vento
McEwen	Pritchard	Volkmer
McFall	Pursell	Walker
McHugh	Quayle	Walsh
McKay	Quie	Wampler
McKinney	Quillen	Watkins
Madigan	Rahall	Waxman
Maguire	Rangel	Weaver
Mahon	Regula	Weiss
Mann	Reuss	Whalen
Markey	Rhodes	White
Marks	Richmond	Whitehurst
Marlenee	Rinaldo	Whitten
Marriott	Risenhoover	Wilson, Bob
Martin	Robinson	Wilson, Tex.
Mathis	Roe	Winn
Mattox	Roncalio	Wirth
Metcalfe	Rooney	Wolff
Meyner	Rosenthal	Wright
Michel	Rostenkowski	Wylie
Mikulski	Roybal	Yates
Mikva	Ruppe	Yatron
Milford	Russo	Young, Alaska
Miller, Calif.	Ryan	Young, Fla.
Miller, Ohio	Santini	Young, Mo.
Mineta	Sarasin	Zablocki
Minish	Sawyer	Zeferetti
Mitchell, Md.	Scheuer	
Mitchell, N.Y.	Schroeder	

NAYS—48

Allen	Findley	Meeds
Archer	Foley	Moorhead, Calif.
Ashbrook	Goodling	
AuCoin	Gradison	Mottl
Badham	Guyer	Myers, Gary
Bauman	Hammer-schmidt	Roberts
Burke, Fla.		Rousselot
Butler	Hansen	Rudd
Carr	Harsha	Satterfield
Cunningham	Hughes	Skelton
Daniel, Dan	Ichord	Snyder
Daniel, R. W.	Kelly	Stangeland
Devine	Ketchum	Stump
Dicks	Kindness	Taylor
Duncan, Oreg.	McCormack	Wiggins
Evans, Del.	McDonald	Wydler
Fenwick	Mazzoli	

NOT VOTING—39

Ammerman	Evans, Colo.	Rogers
Aspin	Flynt	Rose
Blouin	Ford, Mich.	Runnels
Bolling	Gammage	Thone
Bonker	Hefner	Thornton
Burke, Calif.	Horton	Tucker
Cavanaugh	Howard	Vander Jagt
Clausen, Don H.	Hubbard	Waggonner
	Jones, N.C.	Walgren
Cochran	Kazen	Whitley
Conyers	Krueger	Wilson, C. H.
Dellums	Leggett	Young, Tex.
Eckhardt	Railsback	
Eilberg	Rodino	

The Clerk announced the following pairs:

Mr. Howard with Mr. Aspin.
Mr. Rodino with Mr. Blouin.
Mrs. Burke of California with Mr. Cavanaugh.
Mr. Gammage with Mr. Conyers.
Mr. Dellums with Mr. Eckhardt.
Mr. Ammerman with Mr. Thornton.
Mr. Krueger with Mr. Charles H. Wilson of California.
Mr. Eilberg with Mr. Railsback.
Mr. Runnels with Mr. Leggett.
Mr. Rose with Mr. Bonker.
Mr. Jones of North Carolina with Mr. Hubbard.
Mr. Whitley with Mr. Evans of Colorado.
Mr. Waggonner with Mr. Rogers.
Mr. Kazen with Mr. Don H. Clausen.
Mr. Hefner with Mr. Walgren.
Mr. Ford of Michigan with Mr. Horton.
Mr. Flynt with Mr. Vander Jagt.
Mr. Tucker with Mr. Cochran of Mississippi.

Mr. DUNCAN of Oregon changed his vote from "yea" to "nay."

Mr. MAHON changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico, and to confer jurisdiction on the Court of Claims with respect to land claims of such tribe.".

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1126, the Committee on Interior and Insular Affairs is discharged from the further consideration of the Senate bill (S. 482) to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RONCALIO moves to strike out all after the enacting clause of the Senate bill, S. 482, and to insert in lieu thereof the provisions of H.R. 3787, as passed by the House, as follows:

That (a) the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall acquire, through purchase or exchange, the lands described in subsection (b).

(b) The lands to be acquired under subsection (a) are lands in the State of New Mexico upon which the Zuni Salt Lake is located and which are more particularly described as follows: Lots 3 and 4, east half southwest quarter, west half southeast quarter, section 30, township 3 north, range 18 west, lots 1 and 2, east half northwest quarter, west half northeast quarter, section 31, township 3 north, range 18 west, southeast quarter southeast quarter, section 25, and east half northeast quarter, section 36, township 3 north, range 19 west, all of the New Mexico principal meridian, New Mexico, con-

taining approximately 618.41 acres, more or less.

(c) Title to the lands to be acquired under subsection (a) shall be taken and held in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the "tribe"), and such lands shall be exempt from State and local taxation.

SEC. 2. (a) Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052; 25 U.S.C. 70k), jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on any claims of the Zuni Indian Tribe of New Mexico against the United States with respect to any lands or interests therein in the State of New Mexico or the State of Arizona held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States: *Provided*, That jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after approval of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedies.

(b)(1) Any award made to any Indian tribe other than the Zuni Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under subsection (a) shall not be considered as a defense, estoppel, or setoff to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

(b)(2) Any award made to the tribe pursuant to subsection (a) shall not be considered as a defense, estoppel, or setoff to the claims pending before the Indian Claims Commission on the date of the enactment of this Act in docket 196 (filed August 3, 1951) and docket 229 (filed August 8, 1951), and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claims.

Amend the title so as to read: "An Act to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico, and to confer jurisdiction on the Court of Claims with respect to land claims of such tribe."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico, and to confer jurisdiction on the Court of Claims with respect to land claims of such tribe.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3787) was laid on the table.

GENERAL LEAVE

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. DODD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1099 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1099

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11400) to authorize the appropriation of specified dollar amounts for each of the National Science Foundation's major program areas (and certain subprograms), and to provide requirements relating to periods of availability and transfers of the authorized funds. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Connecticut (Mr. DODD) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1099 provides for the consideration of H.R. 11400, the bill authorizing appropriations to the National Science Foundation. This resolution provides for an open rule with 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. It provides for one motion to recommit.

Mr. Speaker, H.R. 11400 would authorize $934.4 million in fiscal year 1979 appropriations to the National Science Foundation. Out of this total, $928.4 million would be authorized out of money in the Treasury, while the remaining $6 million would be in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

The National Science Foundation supports scientific education and research which is of vital importance to the present and future well-being of the United States. The Committee on Science and Technology urges that because of the importance of the Foundation's work, the full $934.4 authorization in the bill be appropriated. Indeed, the Nation's scientific community could well use more money than this bill appropriates, but as the President and the committee agree, the Nation, at this time, cannot afford a larger investment.

Mr. Speaker, two specific appropriations authorized by H.R. 11400 deserve particular notice. First, of the funds authorized for applied science and research applications, $2 million would be authorized to establish a science and technology program focused on the problems of the disabled. In my work in the Congress I have been particularly concerned about the problems of the handicapped, and I am pleased to see this appropriation which will further our commitment to the handicapped.

Second, the funding level for the U.S. Antarctic program has been raised by the committee by $2.4 million above the NSF request of $50.7 million. Through the Antarctic program, the United States can maintain an active and influential presence in the Antarctic. United States involvement helps insure observance of the international treaty which suspends territorial claims and keeps the Antarctic open for scientific research. Increased funding for the Antarctic program will support study of Antarctic fisheries.

Mr. Speaker, H.R. 11400 authorizes appropriations for the National Science Foundation and will allow this valuable organization to carry out educational and research activities of vital importance to the United States. I request that we adopt House Resolution 1099 so that we may proceed to the consideration of this bill.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1099 provides for the consideration of H.R. 11400, the National Science Foundation Authorization Act. This is an open rule allowing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. The bill will then be open to amendment under the 5-minute rule.

Mr. Speaker, H.R. 11400 authorizes appropriations to the National Science Foundation for fiscal year 1979. A total of $934.4 million is authorized for the NSF's major program areas. The Foundation maintains many laboratories and educational facilities in the United States as well as other countries. Their programs explore many diverse subject areas from the bottom of the sea to the stars in the heavens, some of which may be of questionable value depending upon individual preferences and points of view.

Mr. Speaker, to my knowledge there is no objection to the rule.

Mr. DODD. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, research and development activities are

vital to the survival and prosperity of the United States. Without a strong, ongoing program of scientific research and development, the high standard of living enjoyed by the citizens of our country would be impossible. Indeed, our national security is dependent on the continued probing of the frontiers of science.

The National Science Foundation has been at the forefront of these activities. Accordingly, I support the general thrust of the bill before the House today in order to insure a strong and viable program of research and development. I do, however, have some reservations about the conduct of the advisory commissions attached to the National Science Foundation.

As you know, Mr. Speaker, the President has set a goal of reducing these advisory commissions. I recently conducted a study to ascertain how effective the President has been at reaching this goal. This study generally showed that the President has made some progress in cutting back on the numbers of such commissions. Nevertheless, it did point up several disturbing trends in this area that deserve more study by both the executive branch and Congress.

The conduct of the National Science Foundation's advisory commissions mirrors some of the conclusions of this study. I would like to include a chart compiled from this study to illustrate some of the problems in this area:

ADVISORY COMMITTEE ACTIVITY IN THE NATIONAL SCIENCE FOUNDATION

	1972	1973	1974	1975	1976	1977
Number of committees	41	43	45	48	51	21
Number of members			494	1,190	2,241	2,464
Actual staff support years			8.11	9.19	19	23
Projected staff support years					12.19	17	18
Actual cost (dollars)	231,297	341,183	450,388	552,300	1,248,970	1,745,055
Projected cost				701,100	1,315,369	1,088,484

As you can see, Mr. Speaker, while the number of committees decreased by one-half between 1972 and 1977, the membership on these committees increased by 400 percent. Moreover, the costs associated with the functions of these committees increased by 7,400 percent from 1972 through 1977.

In effect, more people are serving on fewer commissions, and it is costing the Government more to maintain the commissions. This trend is disturbing enough, but I also fear that certain imbred regional bias may have crept into these commissions. My study revealed a trend in other Cabinet-level departments to weight commissions toward one section of the country, or toward one special interest group. I am fearful that the commissions serving the National Science Foundation may have fallen victim to a similar problem. These commissions and committees pass on thousands of applications for research and grants. I am sure all Members of Congress would want to insure that every applicant gets a fair hearing before these commissions. It is my hope that the Congress and the executive branch will continue to monitor the activity of the Commissions to insure that they perform their tasks competently and fairly. The Federal Government should not be subsidizing an overbloated or unfair system that so vitally concerns our national well-being.

Mr. DODD. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11400) to authorize the appropriation of specified dollar amounts for each of the National Science Foundation's major program area—and certain subprograms—and to provide requirements relating to periods of availability and transfers of the authorized funds.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11400, with Mr. DANIELSON designated as Chairman, and Mr. PANETTA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. HOLLENBECK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of this subcommittee is the gentleman from Arkansas (Mr. THORNTON), who has done a wonderful job of holding hearings.

Mr. Chairman, getting this bill to the House floor took a little bit of time for committee members, but it took months of hard work by the staff. I want to thank the staff for their dedication to the committee and to scientific advancement. As chairman of the Committee on Science and Technology, I have always insisted on hiring and promotion on the basis of merit alone. And I want to tell you that is a good policy because it has produced one of the best committee staffs in Congress.

We are lucky on our committee to have good cooperation between the minority and majority. The best proof of this is my friend, the Honorable Charlie Mosher. After retiring as ranking minority member of the committee, Charlie was kind enough to accept my offer to be staff director. Charlie had done a magnificent job of running the committee this year, and I thank him for it.

I also want to thank Phil Yeager, counsel to the committee and staff director of the Subcommittee on Science, Research, and Technology. Phil and his people do the legwork that gets the NSF bill to the floor, and they do it well.

It has been a real pleasure for me to work with those people, and I just wanted to get a few words of appreciation on the record.

Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I support the bill, H.R. 11400. Before I describe the principal features of the bill, I would like to express my appreciation to members of the Committee on Science and Technology.

Foremost among those who have made it possible to bring this bill to the floor is Chairman TEAGUE. Congress and the Nation will lose the service of a fine man and a staunch supporter of scientific research with the retirement of Chairman TEAGUE at the end of this Congress. If I were more eloquent I might find fitting words of praise for the gentleman from Texas to convey my regard for him. But words, however eloquent, would only be words. TIGER is a man of action. The only sufficient tribute to Mr. TEAGUE is to be the kind of legislator and leader he has been and let action carry the message. That would be the best praise, and I encourage you all to give it.

Another Member who will not be in the House next session is RAY THORNTON, chairman of the Subcommittee on Science, Research, and Technology. I would like to thank Chairman THORNTON for delegating his authority over this NSF authorization bill to me.

Finally, the gentleman from New York (Mr. WYDLER), ranking minority member of the Committee on Science and Technology, and the gentleman from New Jersey (Mr. HOLLENBECK), ranking minority member of our subcommittee, have both been extremely helpful. I thank them for their cooperation in bringing to the floor a truly nonpartisan bill, a bill which passed the Committee on Science and Technology with not a single dissenting vote.

In consideration of this bill, H.R. 11400, the Committee on Science and Technology held hearings beginning on January 24, and ending on January 31 to review NSF performance over the past year, and the Foundation's request for fiscal year 1979. Testimony was taken from Foundation officials and individuals representing education and research organizations. The hearings covered all

aspects of the Foundation's budget request. On many other occasions over the past year representatives of NSF have testified at committee hearings.

In addition to hearings, extensive investigations and site visits have been carried out by committee members and staff, several General Accounting Office and Congressional Research Service studies of NSF operations have been used by the committee, and other forms of oversight have been performed.

The bill itself, H.R. 11400, authorizes the appropriation of $934.4 million for National Science Foundation programs in fiscal year 1979, almost the exact amount requested by the President. The net difference between the request by the President and the total in this bill is a $400,000 increase. In addition to the amount authorized by the bill, NSF plans to defer the obligation of $6.9 million from fiscal year 1978 to fiscal year 1979. Thus, total NSF obligations would be $941.3 million in fiscal year 1979. The $934.4 million authorized by the bill represents an 8-percent increase over the plan for NSF obligations in fiscal year 1978.

The Committee on Science and Technology believes that the scientific community could effectively use larger amounts of NSF money than authorized by this bill, but the committee intentionally held the total near the President's request. The committee concurs with the President's judgment that the Nation cannot afford a larger investment at this time. Because of the importance of scientific work to the Nation, however, the committee urges that the full amount authorized be appropriated.

Roughly three-fourths of the NSF budget is devoted to basic research. For fiscal year 1979 the President's policy for basic research is to increase total Federal support by an amount sufficient to provide 5 percent real growth over 1978 with inflation taken into account at 6 percent. The total amount budgeted by the President for basic research support from the Federal Government in fiscal year 1979 is $3.6 billion, an 11-percent increase over 1978. The NSF percentage increase was somewhat less than the Federal agency average. This means that several of the mission agencies exhibit slightly larger increases than the Federal average. The committee applauds the basic research policy of the President which seeks to maintain a balance of support for basic research across the Federal Government.

As I stated earlier, the committee felt that the total amount requested by the President for NSF was reasonable, so we did not change the total very much. The request was for a $940.9 million program, and the committee reported $941.3 million, a tiny increase.

We have shifted the emphasis on a few of NSF's programs from the request. Science education and the Antarctic program were increased while two of the basic research directorates were decreased in order to hold the total down.

First let me explain the two increases. The science education increase of $4.4 million is intended to help NSF put more emphasis on an area that the Science and Technology Committee has supported for years but which has been held down by the Office of Management and Budget. The $82 million in H.R. 11400 is the same amount that NSF asked OMB for at the beginning of the budget process.

The Antarctic increase follows on close oversight of the Antarctic program. I visited Antarctica in December, reviewed NSF's activities there, and the subcommittee came to the conclusion that the program should be increased. The committee agreed, and the program budget has been raised by $2.4 million from NSF's request.

As for the decreases recommended by the committee, the $3.2 million decrease from mathematical and physical sciences and engineering is not aimed at any specific program. It is only 1.2 percent of the requested amount of $268.3 million and leaves that category with $265.1 million, which is still $19.1 million or 7.8 percent above the 1978 program level.

The $3.2 million decrease from astronomical, atmospheric, Earth, and ocean sciences is specifically aimed at a new deep-sea drilling program. In taking this action the committee has not judged that deep-sea drilling is a bad idea; it may be an extremely good idea. However, it is our opinion that NSF has not presented adequate justification for the project.

To complete my remarks, Mr. Chairman, I would like to draw the Members' attention to the fact that the bill is quite brief this year. The reasons for this are that we are trying to keep the authorization simple and many of the provisions of last year's act do not need repetition either because they have been codified as permanent law or because they pertained only to last year's act.

That ends my remarks. I am submitting a budget table for the RECORD. This is a good bill, and I urge its passage by the House.

NATIONAL SCIENCE FOUNDATION BUDGET COMPARISONS, ACTIONS BY THE COMMITTEE ON SCIENCE AND TECHNOLOGY

[In millions of dollars]

	Current plan, fiscal year 1978	Budget request, fiscal year 1979	Committee recommendations, fiscal year 1979	Increase of committee recommendations over fiscal year 1978 current plan		Change of committee recommendations from fiscal year 1979 request	
				Amount	Percent	Amount	Percent
Mathematical and physical sciences and engineering	246.0	268.3	265.1	19.1	7.8	−3.2	−1.2
Astronomical, atmospheric, Earth and ocean sciences	210.1	227.3	224.1	14.0	6.7	−3.2	−1.4
Biological, behavioral, and social sciences	142.2	158.0	158.0	15.8	11.1		
U.S. Antarctic program	48.2	50.7	53.1	4.9	10.2	+2.4	+4.7
Basic research stability grants	4.5	0	0	−4.5			
Science education	74.0	77.6	82.0	8.0	10.8	+4.4	+5.9
Applied science and research applications	57.9	[1] 67.0	[1] 67.0	9.1	15.7		
Scientific, technological, and international affairs	24.6	24.3	24.3	−.3	−1.2		
Program development and management	52.0	54.8	54.8	2.8	5.4		
Special foreign currency appropriation	5.4	6.0	6.0	.6	11.1		
Total	864.9	[1] 934.0	[1] 934.4	69.5	8.0	+.4	0

[1] It is planned to defer $6,900,000 for ASRA from fiscal year 1978 to fiscal year 1979. This will not change the fiscal year 1978 current plan shown, but will increase the ASRA budget to $73,900,000 and the NSF total recommended by the committee to $941,300,000.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I want to commend the gentleman from Iowa (Mr. HARKIN) for the fine job he did in conducting the hearings this year on this very important matter. The gentleman did a very excellent job, and from that effort we have brought to the floor a bill that I think basically every Member can support. I commend the gentleman and also commend the ranking minority Member, the gentleman from New Jersey (Mr. HOLLENBECK), for his cooperation in getting this bill to the floor.

Mr. Chairman, I am pleased to support the fiscal year 1979 authorization for the National Science Foundation's Science Education Directorate. The Science and Technology Committee has increased the authorization for science education by $4.4 million, to a total of $82 million. We were disappointed in the small budget request for science education, an increase well below the inflation rate and below the authorization figure for last year. Since 1970, the science education funding has been declining both absolutely and in terms of its percent of the entire NSF budget. With the committee increase, science education will represent approximately 8.7 percent of the total NSF budget.

The Foundation's Science Education Directorate has the important mission of initiating and supporting programs to strengthen science education programs

at all levels. This mission is carried out through programs to promote public understanding of science, research and development in science education, information dissemination for science education, precollege teacher development, undergraduate instructional improvement, undergraduate research participation, minority institutions science improvement, science for citizens, graduate fellowships, student-science training, and comprehensive assistance to undergraduate science education.

Mr. Chairman, these programs are designed to assure that the Nation's science education establishment can successfully meet the changing scientific needs of a dynamic society. The Foundation provides support to educational institutions in order to improve their capabilities to teach science and engineering and to facilitate needed innovations in science education. To help insure the availability of high quality science personnel to meet out Nation's future needs, the Foundation provides support, through a highly competitive process, to well qualified individuals who wish to pursue careers in advanced science and engineering. This is accomplished by awarding graduate and post-doctoral fellowships. NSF supports programs of research and development in science education to develop new knowledge which will allow the Nation's science education activities to improve. Finally, NSF's science education directorate supports programs which seek to reach beyond formal educational institutions and make available, to the general population, information about science and the scientific process.

Dr. James Rutherford, the Foundation's able new assistant director for science education, has told our committee that NSF hopes to greatly intensify two new thrusts:

First. The improvement of science learning for all, particularly minorities and women, by emphasizing junior high school science and mathematics, and

Second. Research and development related to all aspects of science education in and out of schools.

NSF data suggests that it is in the junior high school grades that women and minorities tend to turn away from the pursuit of careers in science and engineering. It is at this level that the improved teaching of science can lay the foundations for a broader understanding of science for as many students as possible and also attract many talented individuals who may have chosen other careers.

The Foundation supports programs in science for students at the high school level through enrichment projects of the student science training program, for college undergraduates through undergraduate research participation, for graduate science and engineering students by awarding graduate fellowships, and for advanced studies in research through post-doctoral fellowships. Through this broad-based approach, NSF directly reaches thousands of science and engineering students throughout the Nation at the high school, college undergraduate, graduate, and post-doctoral levels. The future of our Nation depends on our ability to capitalize on the talents of this Nation's youth in maintaining scientific leadership.

Through the Foundation's CAUSE (comprehensive assistance to undergraduate science education) program, support is provided to strengthen the undergraduate science education at both the 2- and 4-year colleges and universities. To date, 128 awards have been made through CAUSE to institutions in 41 States, the District of Columbia, and Puerto Rico. The Foundation projects 85 CAUSE awards in fiscal year 1978, and our authorization bill supports a program for 90 awards totaling $14.9 million in fiscal year 1979.

The CAUSE program was established by the Science Committee 3 years ago. More than half of the awards have gone to smaller colleges and universities with less than 5,000 students and 28 percent of the awards have gone to 2-year junior colleges. It is the smaller colleges and the rapidy growing 2-year institutions that are feeling the worst of the college financial crisis. The CAUSE program is an important element in helping maintain the strength of our Nation's colleges.

Mr. Chairman, I strongly endorse the Foundation's science education authorization contained in H.R. 11400. We have increased the authorization to $82 million for fiscal year 1979, and on my motion the committee report directs NSF to support the undergraduate research participation program at a $2 million funding level. With this science education authorization, the foundation can carry out one of its most central and traditional responsibilities, that of maintaining an effective scientific and engineering community for America.

In closing, I wish to point out that NSF's science education programs are substantially people programs that reach students of high ability and potential throughout the country. I urge approval of the bill authorizing these programs.

Mr. HARKIN. Mr. Chairman, I thank the gentleman from Florida (Mr. FUQUA) for his remarks, and I yield back the balance of my time.

Mr. HOLLENBECK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this opportunity to point out the leadership Mr. HARKIN has demonstrated in preparing H.R. 11400 for presentation today. Throughout our hearings and later markups, he set the tone by emphasizing the important role played by basic research in the future economic and scientific health of the Nation. I also wish to express my appreciation to my colleague from New York (Mr. WYDLER) for his support and assistance. On numerous occasions, he has expressed the conviction, which I share, that support for basic research is vital if we are to solve the pressing problems such as energy and materials shortages. The solutions to these problem will surely involve a great change in outlook over the next generation and it is the understanding provided by basic research which will be a major factor in determining that outlook.

Mr. Chairman, I rise in support of H.R. 11400, to authorize appropriations for the National Science Foundation for fiscal year 1979. In so doing, I wish to commend the Foundation's Director, Dr. Atkinson, as well as other members of the Foundation, for the strong program they have put forward. Over the years, the Foundation has been a major source of support for innovative basic research. Years later, much of this research bears fruit.

H.R. 11400 authorizes appropriations of $934,400,000 for the Foundation for fiscal year 1979. While I know, from the testimony we heard, that there are many exciting and extraordinary scientific projects which should be undertaken and which could easily use substantially greater funding, there are limits to financial resources. Therefore, it is doubly important that the Foundation make every effort to allocate its resources over the long term for the most effective pursuit of scientific research.

If there is one area in which I would slightly fault the foundation—and this is by no means to belittle its generally excellent programs—it is that there does not appear to be sufficient effort devoted toward truly long-range planning of investment in research facilities as well as in the training of young scientists. The committee report expresses this in one way by pointing out the controversy over the relative allocation of resources between "big science" and "little science." As part of that debate. the committee recommends, and I concur heartily that the funding for the conversion of the *Glomar Explorer* for ocean margin drilling be reduced from the $4.2 million requested to $1 million. I concur not because the research that may be performed would not be worthwhile, but I am uncertain, and I do not believe the foundation has sufficiently examined the alternatives. This project would require a $540 million commitment, in capital construction and operating costs over a 10-year period. Yet, it is not apparent to me that this is the best program for the expansion of knowledge of the ocean floor which could be undertaken. This research is vital as we seek to expand our understanding of basic geological processes; it has direct commercial application; and it may lead to greater understanding about the process by which mineral and energy deposits are laid down. But the decision to proceed with detailed design does not seem warranted until a more comprehensive examination of the understanding of the future of ocean drilling and Earth sciences is formulated.

This problem faces not only the Earth sciences, it faces other areas such as physics and astronomy, and, to a lesser extent, atmospheric sciences. It is essential that the foundation prepare longer range plans—plans which would extend throughout the lifetime of facilities to determine whether construction is in the

best interest of the sciences concerned, and to determine how scientific discovery will proceed most rapidly between different scientific fields accordingly as major projects are undertaken.

The need for long range planning is also apparent in the training of young scientists. In the late 1950's and throughout the 1960's, we trained large numbers of PhD's. Now, as the support for basic research levels off in proportion to the number of trained researchers, young scientists who are entering the job market find it very difficult to obtain steady employment in their chosen field. This problem is particularly acute in astronomy.

Training young people for science without thought to their future support is itself but a further example of the need for long range planning. It is a waste of talent and of resources to train people for careers which they cannot pursue. In sum, planning of scientific facilities and the training of scientists must be undertaken over a long term commensurate with the lifetime of the facilities and with the careers of the scientists. I strongly urge the foundation to make greater efforts in this direction and I would hope that the next year the foundation will be able to shed some further light on these problems.

Mr. Chairman, I would also draw my colleagues' attention to the increase of $4.4 million for science education. In particular, I am heartened by the innovative programs which the director of the Science Education Directorate, Dr. Rutherford, has undertaken. The committee's increase, in part, reflects the desire to fund some of the programs such as the science equivalent of Sesame Street for elementary school children which Dr. Rutherford wishes to pursue. More generally, I think his emphasis on broadening the basis of scientific understanding in the general population is terribly important. In an era when science and technology pervade all aspects of our daily life, it is important for everyone to have some knowledge about the major concepts of science and the principles of scientific inquiry.

This knowledge will provide the basis for general understanding of the changes in outlook which will occur as the Nation moves to solve its pressing problems. For instance, complex interactions between the use of energy, agricultural practices, and climate change may determine our ability to use fossil fuels in the future, or to continue the expansion of food producing lands, particularly in the developing countries. These interactions are comprehensible only to someone who is aware of the complex web of relationships which extend throughout the natural environment. But this understanding can only come with some familiarity—familiarity acquired at an early age—with the general principles and objects of scientific research. For this reason, I support the committee's recommended increase in funds for science education.

In closing, I urge my colleagues to join me in supporting H.R. 11400. Let me say that while I have pointed out a need for greater diligence in the foundation's planning, its overall effort appears to be successful. The witnesses at our subcommittee hearings made apparent, as never before, that we are undergoing an amazing scientific revolution—a revolution which is fully equivalent to the total change in outlook which occurred during the 16th and 17th centuries. This revolution extends through all sciences from particle physics to cosmology to atmospheric sciences, oceanography and to the social sciences as well.

Mr. Chairman, I yield 5 minutes to the ranking minority member, the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I rise in support of H.R 11400, to authorize appropriations in the amount of $934,400,000 for the National Science Foundation for fiscal year 1979.

First, let me thank the gentleman from New Jersey, my colleague Mr. HOLLENBECK, for his generous remarks and let me congratulate him for the outstanding work he has done as ranking minority member on the Subcommittee on Science, Research and Technology in helping to bring this bill to the floor. I think he has done a superb job in understanding some of the basic challenges in complex areas of scientific research. This is a difficult task, and his efforts have been of great assistance to the committee.

Mr. Chairman, the National Science Foundation has more than proved itself as a leader in the support of innovative basic research. But there are limits to available resources. For this reason, as last year in my remarks, I would continue to stress the importance of long range planning for research programs—programs which through their understanding of the physical world, the environment, and of the impact of human activities upon the environment will aid us in constructing a vision of the future which will enable us to see beyond the difficult problems facing this Nation in the coming years.

Mr. Chairman, programs supported by the National Science Foundation are extremely varied. Some, such as the understanding of reactions in the interior of the Sun, carried out in the solar physics program, may enable us to understand better the behavior of materials under extreme conditions and thus may enable us to obtain fusion reactions here on Earth. The same program may lead us to a greater understanding of the effects of the solar winds and the solar magnetic fields upon the Earth's climate.

That could be of great importance to our understanding of climate change with which the combustion of fossil fuels and agricultural practices are intimately connected. In the areas of mathematics and of computer sciences, we are beginning to approach a time when we can ask with reasonable precision what are the limits of problems which can be solved by computers. In the area of materials research, techniques are being developed which will be of enormous value in electronics. Advances in ocean science may teach us the process by which mineral deposits and petroleum, natural gas, and coal fields are laid down. This knowledge could tell us, on the one hand, where to uncover new resources, but it may also make us aware of possible limits on the availability of resources regardless of the expenditure of energy.

Mr. Chairman, these are just a few examples of the important research being supported by the National Science Foundation. As my colleague, Mr. HOLLENBECK, mentioned—and as I noted earlier—it is important for the foundation to undertake much greater efforts in long-range planning for the training of young scientists and for the construction of major research facilities. I hope that the foundation, over the coming year, will make a greater attempt in this direction. I urge my colleagues to join me in supporting H.R. 11400.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Chairman, I rise in support of this bill, and I commend all those who have worked to prepare it.

Mr. Chairman, as the Members know, I have been studying the possibility of harnessing solar energy. The Sun, upon which all life on this planet depends, holds almost unlimited potential as a future energy source. Scientists and engineers are just beginning to learn how to use solar energy to heat and cool our homes efficiently, and someday, clean, unending, inexpensive solar energy will surpass fossil fuels as an energy source.

Today, however, I would not like to speak only of those scientists and engineers working to convert solar energy from a dream to a reality. While considering the fiscal year 1979 National Science Foundation authorization, I would like to point out that some of the money the House will authorize today will provide support for fundamental research in solar physics and astrophysics, two scientific disciplines that are essential to a better understanding of the Sun and consequently, to our future progress in using solar energy. To harness the Sun effectively, we must first understand how it works, and this is precisely what NSF-supported scientists are trying to accomplish.

In laboratories and observatories from Arizona to South Dakota, from Colorado to Massachusetts, the National Science Foundation has been responsible for work that is changing our whole outlook on how to study the Sun. There have been exciting new discoveries in solar and astrophysics in recent years, and these scientific breakthroughs will have a profound impact on our knowledge, not only as it relates to the Sun, but as it contributes to such diverse fields as climate and communications.

For almost 100 years, scientists have studied the Sun by dissecting its parts. Interpretations of miniscule bits and pieces of information have led to a credible, although not very comprehensible, solar model. Recently, however, some scientists have decided it was time

to approach the study of the Sun from a different perspective: Study it not as a composition of independent parts, but rather as an entity, as a star. Instead of considering the Sun to be the sum of its parts, scientists are now saying that perhaps we should study the Sun as a whole. The results have been dramatic, and in some ways, unexpected.

For example, scientists from the University of Arizona, the National Center for Atmospheric Research in Boulder, and the University of Colorado, in seeking to measure precisely the diameter of the Sun, were frustrated by small perturbations in the Sun's edge. These perturbations, or changes, in the Sun's diameter seemed to indicate that the entire Sun was oscillating. Is the Sun really ringing like a gong, constantly changing shape? If so, it is like the Earth pulsating during a violent earthquake. While this theory of solar oscillation still remains questionable, if confirmed, it will be a new and fundamental discovery in solar—and stellar—science.

Another exciting new area of solar science is the case of the missing neutrinos, or the "neutrino deficiency," as it is sometimes termed. Neutrinos are very tiny, uncharged, and, for practical purposes, massless particles of matter which rarely react to anything. Scientists have determined that studying neutrinos emitted by the Sun can provide them with the opportunity to measure events taking place inside the Sun itself.

A single neutrino can pass through the Sun, and since the number of neutrinos produced by the Sun varies with the temperature of the thermonuclear reaction, scientists should be able to draw significant conclusions about the reactions occurring in the Sun's core by counting the number of neutrinos emitted toward the Earth. Even with sophisticated, Earth-based neutrino counters, such as the one located in South Dakota and operated by Brookhaven National Laboratories, counting these elusive particles is not easy. Counts have shown significant quantities of neutrinos to be "missing." Perhaps, as some postulate, the Sun is altering these neutrinos before they reach the Earth; or perhaps, the solar oscillations are cooling the thermonuclear furnace, and therefore, reducing the production of neutrinos. Whichever one of these, or any other as yet unconceived theory proves correct, the foundation of astrophysics could change because of the "neutrino deficit."

As Beverly Lynds, assistant director of Kitt Peak Observatory in Tucson, Ariz., said,

> The lack of neutrinos is an indication that something (in our understanding of the sun) is wrong. Is it with our theory of the sun's structure or with that of atomic reactions? If it is the model of the sun, then the whole theory of stellar evolution could be wrong.

A third puzzle that NSF supported solar scientists are attempting to unravel is the inconsistent nature of the Sun. Mathematical and computer modeling have become favorite tools of scientists who must deal with situations that cannot be reconstructed in the laboratory. Clearly, scientists cannot build a miniature Sun or Earth, and because of its inconsistency, the Sun has yet to be represented by an accurate computer model. One way astronomers are seeking to solve this problem is to search the universe for a solar twin in a different phase of its life in order to learn more about solar cycles. Another possible solution is, of course, to study and learn as much about the solar cycles and the Sun's differential rotation, sunspot activities, and magnetic cycles. Changes in the Sun can have profound effects on life here on Earth, ranging from variations in the world's climate with its subsequent impact on food production and energy consumption, to disruptions in worldwide communications, and electrical power blackouts.

Mr. Chairman, the mysteries of science can only be unraveled by the hard work of dedicated scientists. By focusing on a single research area—astrophysics—I have attempted to show my colleagues in the House how the basic scientific research as supported by the NSF can provide both short-term and long-range solutions to a variety of problems. Solar research, especially as it relates to solar energy development, is a popular subject today. What we should keep in mind is that research into the functioning of the Sun, as expressed by solar astronomers, and astrophysicists, can have an equal, if not greater, long-term impact on the world. However, this impact may not be felt for decades or even centuries. NSF's programs in these areas have been on the frontier of an exciting discipline, one with huge potential payoffs, and one that often goes unnoticed by those of us whose primary concerns are the immediacy of the current situation. NSF and the scientific community should be commended for their patience and dedication.

Mr. HOLLENBECK. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I have been troubled by the sizable yearly increases in the National Science Foundation's budget, and this year is no exception.

The overall increase in this year's authorization is 8 percent above the foundation's' current budget plan.

NSF basic research support, which has increased an average of 18.4 percent per year since 1969, is increased again by 10 percent in this bill's authorized levels.

I would like to include for the RECORD a table that shows these increases for each budget activity:

NATIONAL SCIENCE FOUNDATION—SUMMARY OF FISCAL YEAR 1979 BUDGET BY PROGRAM AND FUNDING

	Actual, fiscal year 1977	Current plan, fiscal year 1978	Budget request, fiscal 1979	House Science and Technology Committee mark	Difference, fiscal years 1979 and 1978	Percen. differencet fiscal years 1979 and 1978
Research and related activities:						
Mathematical and physical sciences and engineering	$224,419,502	$246,015,000	$268,300,000	$265,100,000	+$19,085,000	+7.7
Astronomical, atmospheric, earth and ocean sciences	188,230,077	210,080,000	227,300,000	224,100,000	+14,020,000	+6.7
U S Antarctic program	45,295,316	48,233,000	50,700,000	53,100,000	+4,867,000	+10.1
Biological, behavioral and social sciences	126,607,209	142,215,000	158,000,000	158,000,000	+15,785,000	+11.1
Basic research stability grants	0	[1] 4,500,000	0	0	−4,500,000	
Applied science and research applications	62,358,910	57,903,261	73,900,000	67,000,000	+9,096,739	+15.7
Scientific, technological, and international affairs	20,661,511	24,555,031	24,300,000	24,300,000	−255,031	−1.0
Program development and management	45,530,012	52,014,457	54,800,000	54,800,000	+2,785,543	+5.3
Subtotal	713,102,537	785,515,749	857,300,000	846,400,000	+61,394,313	+7.7
Science education activities:						
Scientific personnel improvement	30,912,605	32,221,397	29,800,000	(29,800,000)	(−2,421,000)	(−7.5)
Science education resources improvement	28,196,055	28,156,000	29,700,000	(30,700,000)	(+2,144,000)	(+7.6)
Science education development and research	11,066,833	8,193,000	11,700,000	(14,000,000)	(+5,807,000)	(+70.9)
Science and society	4,088,062	5,388,000	6,400,000	(7,400,000)	(+2,012,000)	(+37.3)
Subtotal	74,263,555	73,958,397	77,600,000	[2] 82,000,000	+8,042,000	+10.9
Special foreign currency	4,403,426	5,434,055	6,000,000	6,000,000	+565,945	+10.4
Total NSF funding [3]	791,769,518	864,908,201	[4] 940,900,000	934,400,000	+69,491,799	+8.0

[1] NSF has received committee approval to reprogram these funds into fiscal year 1978 basic research activities, following an administration deferral on this item. See p. F–1 of NSF budget estimate to the Congress.

[2] This science education total is $500,000 more than NSF expected to receive when it provided the parenthetical figures for each subactivity in answer to a subcommittee question concerning earmarking of funds with a 5-percent increase (to a total of $81,500,000) in the requested amount for fiscal year 1979. The subcommittee did not object to the proposed NSF increases, but did not earmark the additional $500,000 in the ultimate $82,000,000 mark for any specific purpose. (Parenthetical figures were provided by NSF congressional liaison.)

[3] These totals do not reflect unobligated balances, carryovers, and a total of $952,754 of unused funds that NSF returned to the U.S. Treasury at the end of fiscal year 1977. These items are displayed on p. A–8 of the fiscal year 1979 NSF budget estimate tc the Congress.

[4] The budget request includes a $6,900,000 administration deferral from fiscal year 1978.

Sources: National Science Foundation (fiscal year 1979 budget estimate to the Congress) House Committee on Science and Technology (staff).

Mr. Chairman, there are other troubling areas with the National Science Foundation.

There is the continuing demonstrated discrimination against certain areas of the country in the geographic distribution of NSF funds.

Only five States last year received more than 42 percent of all NSF research awards, while nine other States in the South received a combined total of only 6.4 percent of all NSF support.

The Foundation has done nothing to correct this discrimination in the way that research support is allocated.

In fact, I have recently been provided an internal Foundation memorandum which states that the Foundation should not acknowledge or give credibility to complaints or charges that such geographic discrimination is being practiced, when the facts are plain that it is, which indicates a refusal of NSF to do anything real to correct the problem.

Another problem I have with the Foundation's program is its failure to audit and monitor projects it supports with millions of taxpayers dollars.

The Department of Health, Education, and Welfare recently audited a number of large universities receiving Federal R. & D. support, and found blatant misuse and waste of Federal funds.

Mr. Chairman, I have discussed these and other problems in my dissenting views on this bill, which is included in the committee's report on H.R. 11400.

I hope that we will be able to solve these problems soon.

I would like to include my views from the committee report at this point in the RECORD:

DISSENTING VIEWS OF REPRESENTATIVE ELDON RUDD

There are several disturbing trends and questionable assumptions that have marked the history of National Science Foundation budget authorizations over the past 10 years.

I strongly hope that closer consideration will be given to these matters in future congressional action on the NSF budget and programs, as part of our important legislative oversight responsibilities.

1. The steady upward trend of NSF budget increases since 1969 cannot be justified by the impact of inflation on academic science research efforts, or the Foundation's record of support to strengthen and uplift the Nation's scientific community.

This bill authorizing $941.3 million (including a $6.9 million deferral from fiscal year 1978) is $76.4 million more than the Foundation's current fiscal year 1978 plan, an increase of 8.8 percent. This on top of the 9.2 percent increase over the fiscal year 1977 program.

The bill includes $751 million for basic research, a 10 percent increase over the current fiscal year 1978 plan, which itself is an 11.5 percent increase over the fiscal year 1977 amount. NSF is the leading Federal supporter of basic research at colleges and universities, and funds for this purpose comprise about 80 percent of the Foundation's total budget.

The Foundation's basic research project support has increased an average of 18.4 percent per year since fiscal year 1969, and will have increased a total of 203 percent in just 10 years if this bill is approved at its current proposed level.

In constant (1969) dollars, using a Consumer Price Index deflator to adjust for inflation, NSF basic research project support has had a real increase between fiscal year 1969 and fiscal year 1977 of more than 8.4 percent above what is necessary to account for inflation.

The following table accurately summarizes NSF basic research budget trends since fiscal year 1969:

NATIONAL SCIENCE FOUNDATION BASIC RESEARCH BUDGET INCREASES, FISCAL YEARS 1969–79

[Dollar amounts in millions]

Fiscal year	Amount	Dollar increase	Percent increase	Total increase since fiscal year 1969 Amount	Total increase since fiscal year 1969 Percent
1969	[1] $247.6				
1977	[2] 612.0	+$364.4	+147.0	+$364.4	+147.0
1978 (current plan)	[3] 682.6	+70.6	+11.5	+435.0	+175.0
1979 (committee mark)	[4] 751.0	+68.4	+10.0	+503.4	+203.0

[1] NSF fiscal year 1971 budget to Congress (fiscal year 1969 actual column).
[2] NSF fiscal year 1978 budget to Congress ("Budget in Brief," p. 12).
[3] NSF fiscal year 1979 budget to Congress ("Budget in Brief," pp. 14, 30).
[4] This is $4,400,000 less than NSF's request, which was transferred by the committee into science education programs.

The tremendous increase in NSF basic research support since 1969 is underscored by the fact that creation of the Energy Research and Development Administration in 1975 resulted in the transfer of about $52 million of NSF-funded energy research to that agency.

THE REAL IMPACT OF INFLATION ON R. & D.

In years past, Congress has been told that these increases in NSF basic research support to colleges and universities were justified by the impact of inflation on academic institutions. Last year, based on Joint Economic Committee projections, the staff of this committee told members after the subcommittee had marked up the fiscal year 1978 NSF authorization that a $15.1 million increase in basic research support was needed to account for a 7 percent inflation rate in this area. A chief reason given for this increase was that faculty salaries were reported to be moving up faster than the general rate of inflation.

The committee approved the increase, despite questions by several members about this assumption of a 7 percent inflation impact. A study of inflation at academic institutions by D. Kent Halstead of the National Institute of Education now shows that this inflation projection was erroneous.

The Halstead study of inflation at colleges and universities since 1971 shows that the average rate of inflation for all areas associated with basic research is 5.3 percent. The actual inflation rate for NSF-supported research would be lower than 5.3 percent, since manpower costs—faculty salaries and support for graduate and research assistants—which comprise more than 50 percent of NSF awards have increased at an average rate of only 4.8 percent per year since 1971, not at a rate higher than inflation generally as the committee was led to believe.

A breakdown of rising prices paid by colleges and universities for goods and services associated with basic research, as shown by Halstead's NIE study, is as follows:

Average percentage increase per year since 1971

Basic research item

Manpower costs:	
Faculty salaries	4.7
Graduate and research assistants	4.9
Services:	
Data processing	3.9
Communication	5.3
Transportation	6.0
Printing and duplicating	6.5
Supplies and materials	5.1
Equipment	5.3
Administration and institutional services	6.4

This error in adjusting NSF's annual basic research budget to compensate for inflation has resulted in the authorization of $12–$15 million more each year than was intended, in order to give the Foundation a real growth of 2 to 3 percent per year. This is an added bonus of $36–$45 million just since the fiscal year 1977 authorization.

COMPARATIVE R. & D. EXPENDITURES

Another justification offered for the substantial increases in NSF's basic research budget over the years has been the comparative R. & D. investment of other nations whose scientific and technological advances pose an economic or strategic threat to the United States.

It has been suggested that since the Soviet Union devotes a larger portion of its Gross National Product to R. & D. than the United States, and because such nations as Canada, France, West Germany, Japan, and the United Kingdom also devote a large proportion of their GNP to R. & D., that the U.S. Government should increase its spending in this area.

These arguments, while persuasive, are designed to deceive. If these nations are outstripping the United States in research and development, it is not because of a greater investment than the United States. It is because of the application of criteria for supporting research that is of national importance, wiser allocation of funds and resources, better fiscal management, and supporting a wider range of superior talent.

The United States is allocating 64.5 percent more funds to R. & D. efforts each year than the Soviet Unon, even though our investment is a smaller proportion of GNP. U.S. R. & D. expenditures in 1975 were $35.2 billion, compared to $21.4 billion for the Soviet Union.

The United States is spending $5.3 billion more each year on R. & D. than the combined total of all funds being spent by Canada, France, West Germany, Japan, and the United Kingdom. U.S. investment is 17.9 percent more each year in R. & D. than the total investment of these five nations in this area.

The following statistical tables compare the Gross National Product and annual R. & D. expenditures of the United States and these other competitive nations. (The statistics are from the National Science Board's Science Indicators—1976, pages 185–186, and were converted into U.S. dollar equivalents at the average annual exchange rate by the Congressional Research Service of the Library of Congress.):

R. & D. EXPENDITURES

[In billions of dollars at average annual exchange rate]

Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.	Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.
1961	0.41	0.9	NA	NA	1.9	14.3	4.2	1969	1.15	2.6	3.3	3.0	2.5	25.7	9.6
1962	.43	1.1	1.13	0.9	NA	15.4	4.7	1970	1.11	2.7	4.1	3.8	NA	26.0	11.2
1963	.47	1.3	1.4	NA	NA	17.1	5.4	1971	1.17	3.2	5.5	4.9	NA	36.7	12.5
1964	.56	1.6	1.6	NA	2.1	18.9	6.0	1972	1.20	3.6	6.0	5.9	3.3	28.4	15.1
1965	.69	2.0	2.0	1.4	NA	20.1	6.4	1973	1.33	4.4	7.7	8.2	NA	30.4	18.2
1966	.81	2.2	2.2	1.6	2.5	21.9	7.0	1974	1.48	NA	8.6	9.3	NA	32.3	18.7
1967	.95	2.5	2.4	1.9	2.3	23.2	8.0	1975	1.75	5.2	9.5	8.8	4.6	35.2	21.4
1968	1.03	2.7	2.7	2.4	2.4	24.7	8.7	1976	NA	NA	9.6	NA	NA	38.1	NA

NATIONAL EXPENDITURES FOR PERFORMANCES OF R. & D. AS A PERCENT OF GROSS NATIONAL PRODUCT (GNP) BY COUNTRY, 1961–76

Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.	Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.
1961	1.01	1.38	NA	NA	2.69	2.74	NA	1969	1.34	1.96	2.02	1.71	2.63	2.75	2.62
1962	.95	1.43	1.25	1.48	NA	2.73	2.18	1970	1.29	1.88	2.16	1.86	NA	2.65	2.79
1963	.95	1.53	1.40	NA	NA	2.87	2.37	1971	1.25	1.87	2.36	1.88	NA	2.50	2.85
1964	1.05	1.78	1.56	NA	2.62	2.97	2.42	1972	1.17	1.83	2.31	1.89	2.39	2.43	3.13
1965	1.17	1.99	1.72	1.55	NA	2.92	2.40	1973	1.11	1.73	2.22	1.92	NA	2.33	3.19
1966	1.21	2.07	1.80	1.50	2.68	2.91	2.42	1974	1.09	NA	1.23	1.99	NA	2.29	3.13
1967	1.33	2.16	1.97	1.55	2.69	2.91	2.55	1975	NA	1.48	2.25	NA	NA	2.32	3.18
1968	1.33	2.12	1.95	1.51	2.65	2.84	NA	1976	NA	NA	2.13	NA	NA	2.25	NA

Note: The ruble is not traded on foreign exchange markets. Therefore, the official rate has been used. This may not reflect the real exchange value of the ruble.

GROSS NATIONAL PRODUCT

[In billions of U.S. dollars at average annual exchange rate]

Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.	Year	Canada	France	West Germany	Japan	United Kingdom	United States	U.S.S.R.
1961	40.8	65.3	83.3	54.9	68.7	523.3	NA	1969	85.6	130.1	164.0	174.0	95.3	935.5	366.2
1962	45.7	74.9	90.0	60.4	71.4	563.8	219.1	1970	86.6	146.4	187.9	204.3	104.1	982.4	402.9
1963	49.7	84.0	96.6	70.7	76.3	594.7	229.7	1971	93.7	172.1	233.1	259.1	124.8	1,063.4	438.7
1964	54.0	93.2	105.8	82.7	82.3	635.7	248.0	1972	103.0	198.6	261.5	381.4	137.3	1,171.1	484.1
1965	59.6	99.9	114.9	90.9	88.3	688.1	269.0	1973	120.4	256.6	346.8	426.2	155.2	1,306.6	572.5
1966	67.0	107.4	123.4	94.9	92.6	753.0	289.0	1974	136.2	273.1	384.7	467.6	175.2	1,413.2	596.2
1967	71.8	116.9	123.9	125.1	84.2	796.3	313.3	1975	157.4	355.1	423.9	517.9	207.3	1,516.3	674.6
1968	77.9	127.1	135.0	162.9	89.9	868.5	NA	1976	187.3	NA	450.8	554.6	NA	1,691.6	NA

GEOGRAPHIC DISTRIBUTION OF NSF AWARDS

Another disturbing aspect of NSF support for basic research at colleges and universities throughout the Nation is the apparent consistent favoritism for institutions in several large States, and discrimination in the award of funds to institutions in other parts of the country.

The statistics on the geographic distribution of NSF basic research funds speak for themselves.

Institutions in only four States received more than 42 percent of all funds awarded by NSF in fiscal year 1977. Those States—California, Colorado, Massachusetts, and New York—accounted for $290.9 million of the $685.1 million awarded by the Foundation that year.

Yet nine other States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee—received a combined total of only $44.3 million, which is only 6.4 percent of all fiscal year 1977 NSF expenditures. These States received only 15.2 percent of the amount awarded to the four preferred States above, and only slightly more than twice the amount awarded to only one institution—Massachusetts Institute of Technology, which alone received $20.9 million.

Unlike the Department of Defense and other Federal mission agencies that support basic research on a solicited basis with national priorities and objectives in mind, the National Science Foundation awards unsolicited research proposals under the legislative mandate to support and uplift science throughout the United States.

Apparently, NSF is violating that mandate by failing to distribute grant awards equitably.

Statistics on NSF's geographic distribution of awards and on the geographic success ratio for proposals submitted to the Foundation both suggest a conscious policy of discrimination in the way that NSF decisionmakers award funds to academic institutions around the country.

Other factors, including the makeup of NSF's top management, which is heavily dominated by former administrators and researchers from institutions favored by NSF funding patterns, or who have returned to those institutions after serving in management positions at the Foundation, pose serious questions about NSF's geographic distribution of awards and its failure to comply with congressional mandates against undue concentration of awards in only a few institutions or States.

Unfortunately, the actions proposed by NSF to achieve a greater geographic distribution offer no relief in a reasonable period of time. It is extremely doubtful in view of the positions taken by the National Science Board and the Foundation's management that Congress will see any progress made on a more equitable distribution of NSF support in fiscal year 1978. There is also only a remote possibility that there will be any improvement in fiscal year 1979.

It appears clear that Congress must take some positive legislative action to correct this problem of discrimination in the geographic distribution of NSF research awards, in order to reaffirm the original purpose for which the Foundation was created.

That purpose was to be a source of Federal funds to benefit research and development efforts among a large array of researchers throughout the U.S. scientific community, and to uplift science rather than support just elite science, for the benefit of the entire country.

The history of NSF's budget increases over the years, and the inequitable geographic distribution of R. & D. funds by the Foundation, suggest that NSF has abandoned the mandate of its organic act and subsequent actions of Congress in order to become a source of large and continuing subsidies for the administrative costs primarily of some of the Nation's larger, prestige institutions.

2. Recent Federal audits disclosing careless and unauthorized use of Federal research funds by recipients of NSF grant awards demonstrate the need for improved and more vigilant management practices and greater accountability by both grantees and the National Science Foundation.

A widespread pattern of careless bookkeeping, alleged misuse of funds by research grant recipients, and other abuses involving hundreds of millions of dollars awarded by NSF and other Federal agencies has been discovered in audits of colleges and universities by the Department of Health, Education, and Welfare.

Some of the discovered irregularities include: (1) Failure to document work performed on Federal contracts; (2) Permitting researchers to spend less time on projects than specified in grant proposals and contracts; (3) Allowing unauthorized transfer of funds between projects; (4) Paying more than once for the same work; (5) Using Federal funds to pay for work not related to the awarded proposal; (6) Not accounting for equipment and supplies; (7) Receiving Federal funds to perform research work that has already been done by the applicant with funds from another source; (8) Abandoning a project once Federal funds have been

awarded for specific work, and not returning the funds.

In light of these HEW audit revelations, I would like to have seen an opportunity for the full committee to discuss with Foundation officials their efforts to detect and eliminate such abuses in NSF-supported research projects. However, this was not possible since for the first time in many years the traditional NSF Director's posture briefing before the full committee was not held this year.

The Foundation has established a new Office of Audit and Oversight in response to concerns that had been raised about its management of Federally-funded R. & D. projects. But it is not apparent that the Foundation has taken adequate steps to provide this new office with adequate resources and an aggressive mandate that are necessary to perform a sufficient number of on-site audits of ongoing projects to find and eliminate these widespread abuses.

The Foundation should adopt a positive attitude in establishing effective accountability over funds entrusted to it by the Congress. Colleges and universities and other NSF grantee institutions should be made to meet certain minimum management standards in order to qualify for participation in NSF support.

For example, academic institutions which do not have a complete inventory of their scientific equipment, or which take no action to demonstrate that they are making good efforts in establishing research management practices, should not be qualified for NSF support.

The National Science Foundation should also take steps to insure that research supported is in fact carried out. Under the present system, there is no guarantee that NSF support will actually go for research described in the research proposal, since colleges and universities commingle the funds for R. & D.

I personally cannot vote in favor of the Foundation's authorization until this management situation has been improved, and the Foundation can demonstrate to Congress and the public that current abuses are being eliminated.

Because of the uniqueness of the Fondation's program, I believe that Congress should carefully review the current practice of relying on the Department of Health, Education, and Welfare to perform fiscal and program audits for most NSF activities.

In view of the Foundation's approaching $1 billion annual budget, it would seem to dictate that the Foundation establish and play a direct and significant role in auditing functions for which it is responsible.

This would not preclude HEW's continued role as the lead audit agency for Federally-supported R. & D. projects, and would still be supplemented when deemed advisable with audits by the General Accounting Office.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. RUDD) for his minority views, which I have had occasion to read. I know that his is a very difficult position to take because of the enormous scientific and educational establishment that has been built up over the years, largely financed with Federal funds.

Certainly we need continuing research and other scientific activities, but as the gentleman eloquently states in his additional views, the question is, How much shall be spent and is the money being properly spent?

Mr. Chairman, there have been a great many figures in public life in recent years who have made a political career out of monthly criticism, unjustly perhaps, some of the expenditures by the National Science Foundation; and certainly I have been very critical on occasion. However, I have also noticed that when "push comes to shove", as it is said in the vernacular, the same public leaders are almost never willing to make the hard decisions and impose the restrictions on these agencies that are really needed.

In fact, Mr. Chairman, I have read articles in major magazines about all the things that should be done to limit NSF, but they are not done. I think the responsibility lies right here in the Congress; and the gentleman from Arizona (Mr. RUDD), as a member of this committee, certainly can take credit for pointing out the deficiencies in the operation of the National Science Foundation and the lack of justification for the continual increases in that agency's budget. Certainly also the people who sent him here should know of the role he has played in this instance.

Mr. RUDD. Mr. Chairman, I thank the gentleman from Maryland (Mr. BAUMAN) for expressing his views.

There is always room for dissent in our system of Government. That, however, does not detract from the great job which the gentleman from Texas (Mr. TEAGUE) has done or that our minority leader, the gentleman from New York, has done.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. FLIPPO).

Mr. FLIPPO. Mr. Chairman, I rise in support of H.R. 11400. The National Science Foundation's budget, which this bill would authorize for fiscal year 1979, is an important "balance wheel" in the context of the entire Federal research and development system. Basic research supported by the NSF is often vital to the solution of national problems which you might expect to fall primarily under the responsibility of the mission agencies. That is not by any means the result of faulty planning of research efforts on the part of the mission agencies. On the contrary, this situation exists because we often do not know what research is going to pay off in the long run. We need a pluralistic yet cooperative system which involves different approaches by different agencies.

For example, 3 years ago Illinois experienced the most severe outbreak on record of an insect pest called soybean thrips. This pest had the potential for dramatically reducing the soybean crop that year and causing enormous financial losses across the State. This potential loss of the soybean crop was further complicated by two other factors—a common herbicide used in weed control was toxic to the soybean seedlings, and the below normal temperatures that year resulted in slow growth early in the season.

Very little basic information was available on the insect pest—the soybean thrips. However, the NSF and the Department of Agriculture had jointly sponsored a large project which had previously determined that the soybean plant has a large capacity to compensate for severe injury, provided that the injury is inflicted during early vegetative growth. This information led to a logical recommendation to the farmers in Illinois: Hold back on insecticides unless the seedling soybean plants were actually being killed by the thrips.

Extension service scientists and county agents were successful in persuading most farmers to hold back on the use of insecticides, which at that point would have been expensive, unnecessary and possibly very harmful to the crop and to the natural enemies of the thrips. As a result, soybean yield was not impaired, and the risk of this pest's becoming a serious threat in the region—by the destruction of its natural enemies by insecticides—was averted.

Mr. Chairman, we could go on and on giving examples like this of the importance of the knowledge obtained from basic research. Although at first glance some of the projects may seem to be unrelated to real problems, it may only be years later that these projects prove invaluable for the solution of real problems. I encourage my colleagues to support basic research and the important role of the NSF in basic research by voting for this bill.

Mr. Chairman, I have been concerned that the National Science Foundation should follow the charge in its statutory authority to avoid undue concentration of science in the United States. I particularly want to see more even geographical distribution of NSF funds. I was very pleased, therefore, to see that the Foundation is initiating a program to increase geographical distribution of its funds. States which have little science activity of Federal science funds will be eligible for the program. Each State which is funded will determine for itself how scientific activity best be encouraged and how the State's competitive ability for getting Federal funds might be improved.

This is important to insure that the important diversity of research be achieved and that the full potential of scientific resources throughout the Nation be utilized. I look forward to the contributions which will be made by my home State of Alabama, which will be eligible for this program. I am sure that bringing the scientific community of all regions into the mainstream of research will significantly benefit the basic research which this bill supports. This is another of the many reasons to support H.R. 11400.

● Mr. BROWN of California. Mr. Chairman, the Breaux amendment to add $3.2 million to the National Science Foundation authorization for the purpose of doing an engineering feasibility study on refitting the *Glomar Explorer* poses a few problems for me.

I most wholeheartedly endorse exploring and gaining further understanding of the continental margins, and I generally view our exploration of the oceans as a burgeoning scientific venture, and deserved so. Such a program has signifi-

cant scientific and practical benefits and would greatly complement the vast amount of important knowledge accumulated through the present deep sea drilling project.

This program to extensively explore the continental margins represents a significant change in the DSDP, as indicated by the need to have a research vessel with new drilling capabilities. My concern, and that of the Science and Technology Committee, is that we fully understand this commitment and that we take the proper approach to fullfilling it. That is, we should consider how this new program is to fit into the overall NSF program, what priority it is to have, how well the NSF can meet the goals of the program, and whether or not another agency, such as DOE or the Interior's Geological Survey, should be involved in the research. On page 16 of the report which accompanies H.R. 11400 it states:

> There is no indication that the National Science Board, NSF's policymaking body, has authorized the project. There is no request for Congressional approval of the project itself. There is no discussion of what other "Big Science" projects will have to be foresaken if the deep sea drilling project goes ahead.

I feel the Science and Technology Committee is correct in these observations.

Therefore, despite my real desire to see this type of research conducted, and although I understand and respect the opposing arguments of my friends and colleagues, I believe the long-term health of scientific planning and therefore science itself, would best be served by supporting the views of the Science and Technology Committee and voting against this amendment. And, Mr. Chairman, I urge my colleagues to do likewise.●

● Mr. KRUEGER. Mr. Chairman, to maintain our preeminent position in international science and the resulting benefits to the economy and to the quality of American life, it is imperative that we continue to provide funds to the National Science Foundation. The NSF was established in 1950 to benefit scientific endeavors for reasons of national security and economic well-being. Since that time the NSF has used these funds to support basic research and science education and, more recently, to aid applied research on selected national problems. Over the years the NSF has been most effective in stimulating scientific research and education programs. Through the programs of this agency we have made many advances, whether by individual students in various educational programs or for all mankind through radio telescopic discoveries in the universe.

The NSF budget request was well within reason; in fact, many thought the budget request for scientific programs was too small. The only major changes from the President's budget resulted from the committee's belief that the additional funds were needed for science education, which was increased from $77.6 million to $82 million, and for the U.S. Antarctic program, increased from $50.7 million to $53.1 million. The other changes were made to reduce the budget to an acceptable level. It would have been preferable to allocate more funds for the advancement of science; however, this would have caused an even greater budget deficit than we currently face. The NSF authorization recommended by the Science and Technology Committee is reasonable and worthy of our support, with only a $0.4 million difference between it and the President's request.

H.R. 11400 was reported unanimously by the committee, and the report makes recommendations which should result in more efficient allocation of NSF funds. The progress of American science is important to the future of America and adequate funding for the NSF is the most important method of promoting our science and insuring its continued success.●

● Mr. LEGGETT. Mr. Chairman, I am pleased this afternoon to voice my support for the amendment being offered by my distinguished colleague from Louisiana (Mr. BREAUX).

The President, in his proposed fiscal year 1979 budget, included $4.2 million in budget authority for the initiation of studies necessary to determine the economic and technological feasibility of converting the *Glomar Explorer* for deep ocean research.

As an oversight, I am sure, the Science and Technology Committee approved only $1 million of that request. This amount is woefully inadequate and obviously would not provide the National Science Foundation with the funding they will need to do the evaluation.

My colleagues will no doubt recall the *Glomar Explorer* was constructed by the Summa Corp., a Howard Hughes company, under contract from the Central Intelligence Agency. It was built at an estimated cost of $240 million. Its one and only mission was the recovery of a sunken Soviet submarine from the bottom of the Pacific Ocean.

At this very moment, the *Explorer* sits idle in my congressional district with the mothball fleet at Suisun Bay, Calif. This is indeed an unfortunate waste of the taxpayer's dollars for the construction of this vessel, not to mention the waste of its superior deep ocean research capability.

As chairman of the Subcommittee on Fisheries, and Wildlife Conservation and the Environment, I have been working for several years to get this most remarkable ship back to sea as an active participant in our rapidly expanding national ocean exploration and mineral development effort.

Mr. Chairman, I had the pleasure last summer of personally inspecting the *Glomar Explorer* moored at Suisun Bay. I found the vessel to be in surprisingly excellent condition and with the proper modification, I understand, quite seaworthy.

The amendment offered today would reinstate an additional $3.2 million authorization which would allow the National Science Foundation to proceed with their detailed engineering studies. These studies are needed to determine the type of drilling string and well support system modifications necessary in the conversion of the *Glomar Explorer*.

The proper utilization of the *Explorer* is an essential component in our proposed $450 million ocean margin drilling program for the next decade. This vessel can maintain position for deep water drilling under the oceanographic conditions far better than a new "large" ship. The vessel motions are less than those of "large" drilling ships now operating in the same environmental conditions. This vessel's size allows for the incorporation of all needed laboratory and scientific accommodations on board.

We must be deliberate and cost-effective in our actions. Since this vessel is already in the U.S. Government inventory, the cost of operating the *Explorer*, even with the needed modification, would be significantly less on a daily basis than a contractor-owned large drilling ship.

We cannot and should not neglect the *Glomar Explorer*'s potential beyond utilization as a drilling ship. Obviously, its use for deep sea exploration and underwater recovery has been established. But what of the other possibilities—they defy the imagination! How many ships have been lost at sea through the years? How many billions of dollars worth of treasure have been lost on the ocean bottom? This ship most certainly has potential as a deep sea treasure hunter.

The stakes in deep ocean mining alone are gigantic. In the region between Hawaii and Central America, just north of the equator, an estimated 1.5 trillion tons of manganese-rich nodules lie on the ocean floor at depths of about 15,000 feet. These nodules contain about 29 percent manganese, which is essential in making steel. We are now totally dependent upon imported supplies of manganese, which come largely from Brazil and the African Nation of Gabon. The nodules also contain about 25 percent cobalt, a metal particularly important in the manufacture of alloys used in the electrical and aerospace industries. We today import all of our cobalt—almost all of it—from Zaire. The possibilities for undersea mining are endless.

To allow this superb vessel, with its magnificent capabilities, to remain idle and to deteriorate with the remnants of our World War II fleet in Suisun Bay, is absurd. We have within our grasp the ability to make monumental progress in deep sea development. Rejection of this amendment would slow that momentum to a crawl. Support would reaffirm our national commitment to expand our mineral resource in that great unexplored and undeveloped frontier—the sea. The technology is at hand, the time is at hand. I urge you to join me in support of this amendment and in support of H.R. 11400.●

Mr. HOLLENBECK. Mr. Chairman, I

have no further requests for time, and I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1979".

SEC. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation for the fiscal year 1979 for the following categories:

(1) Mathematical and Physical Sciences and Engineering, $265,100,000.

(2) Astronomical, Atmospheric, Earth, and Ocean Sciences, $224,100,000.

(3) United States Antarctic Program, $53,100,000.

(4) Biological, Behavioral, and Social Sciences, $158,000,000.

(5) Science Education Programs, $82,000,000.

(6) Applied Science and Research Applications, $67,000,000.

(7) Scientific, Technological, and International Affairs, $24,300,000.

(8) Program Development and Management, $54,800,000.

(b) Of the total amount authorized under subsection (a)(6)—

(1) $2,000,000 is authorized for a "Handicapped Research Program"; and

(2) $250,000 is authorized for the design of a program in Appropriate Technology.

SEC. 3. Appropriations made under the authority provided in sections 2 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SEC. 4. From appropriations made under this Act, not more than $5,000 may be used for official consultation, representation, or other extraordinary expenses upon the determination of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to the sums authorized by section 2, not more than $6,000,000 is authorized to be appropriated for the fiscal year 1979 for expenses of the National Science Foundation incurred outside the United States, to be paid for in foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Funds may be transferred among the categories listed in section 2(a), but neither the total funds transferred from any category nor the total funds transferred to any category may exceed 10 percent of the amount authorized for that category in section 2, unless—

(A) thirty legislative days have passed after the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the Committee on Science and Technology of the House of Representatives, and to the Committee on Human Resources of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(B) before the expiration of thirty legislative days both the Committee on Science and Technology of the House and the Committee on Human Resources of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

Mr. TEAGUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On page 2, line 2, strike "$224,100,000" and insert in lieu thereof "227,300,000".

After line 18 on page 2 add the following new subsection:

"(c) Of the total amount authorized under subsection (a)(2), $14,400,000 is authorized for the Ocean Sediment Coring Program of which $4,200,000 is authorized for ocean margin drilling, planning and evaluation.".

Mr. BREAUX. Mr. Chairman and members of the committee, first I want to start off by saying that I have a great deal of respect for the Committee on Science and Technology, and the work it has done on this authorization bill. I think the efforts that committee has put into it indicates that it is basically a sound bill, and I do support the authorization, with one amendment.

I can also say that I have discussed my amendment with the chairman of the full committee, the gentleman from Texas (Mr. TEAGUE), for whom I have a great deal of respect. While I cannot say that the gentleman enthusiastically supports my amendment, I think he understands it but does oppose it. However, I think it is necessary, and I will tell the Members why.

I think, very seriously, that the committee's authorization is being penny-wise and pound foolish. By that I simply mean that they are seeking in their bill funds for an oceans program bill, over which the Oceanography Subcommittee, which I have the privilege of chairing, has joint jurisdiction. We have had one day of hearings on that particular aspect of the bill.

What we have found out is something that is very interesting. As a deep sea drilling program, they have come up with the idea of converting a ship called the *Glomar Explorer,* which we were told at one time was used as a drilling ship but which was actually used to try and pick up Russian submarines. They have come up with the idea that the *Glomar Explorer* can be a very effective vessel to do this deep sea drilling operation.

However our Government placed it in moth balls. I, along with many other Members of Congress, very loudly criticized the decision to mothball the ship in the first place. I said, "Do not mothball it. Later on you are going to find some use for it, and it is going to cost us a lot of money to demothball it."

Here is where we find ourselves today. We are in the process of trying to recommission this ship for a very worthwhile purpose. The Committee on Science and Technology has authorized $1 million. The budget of the President of the United States recommends $4.2 million. The Office of Management and Budget has cleared it. They recommend $4.2 million. They think it is going to be a four-step process to do engineering studies and other evaluations to determine whether this is a feasible proposition or not.

So, my argument is, if it is going to cost us $4.2 million, let us go ahead and authorize the $4.2 million; and not trickle it out; not say, "All right, we will give you a million dollars this year, and then if you do all right, come back and we will give you a little bit more, and eventually the entire authorization."

If we are going to make the decision, let us make it. If it is $4.2 million, fine, here is the authorization.

In our hearings Dr. Robert White, former Administrator of the National Oceanic and Atmospheric Administration, said:

Failure to authorize and appropirate the money in FY '79 will cause a delay in making major program decisions with a consequent impact on the total funding of the program. It is our estimate that the delay of a single year can amount to a total increase in the cost of the program of some $28 million.

So what I have a great deal of fear about is simply this: that if we trickle out the authorization, if we say we will give them a little bit at a time in order to save money, we are not going to save money at all but it is going to end up costing more money and delaying the project. I think the responsible decision is to go ahead and authorize the $4.2 million.

The total project the ship is going to be used for is going to cost eventually $450 million, and we are talking about an increase in the authorization of $3.2 million. That is money well spent. It is money in the long run that will be a savings.

Dr. John Slaughter, the Assistant Director of the National Science Foundation said the same thing:

Rather than experience the kind of delay in moving ahead that could occur, which might cost us as much as $25 to $30 million to recover, it is essential to have the kind of funding in fiscal year '79 to allow us to complete those studies and to make an assessment of the proper places to drill.

The whole project I am talking about has four steps. The Committee on Science and Technology has made a determination to authorize only the first two steps. I say we should go ahead and take all four steps now, because before this decision can be made all four steps have to be taken. Let us give them the money now and I think in the long run we are going to end up saving money.

Mr. PRITCHARD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

This country is desperate for oil and

there are strong indications that there are large deposits of oil off the margins, but it does mean some very difficult drilling. This ship will allow us to go down some 3 miles, that is 18,000 feet. We have this ship in mothballs. It would be a crime not to put it into operation. We should not get behind on the timetable.

We talk about the impact of oil imports in this country, and when we have justification to believe there are large amounts of oil in the margins off of this country's coast, I think, as the last speaker stated, it would be penny wise and pound foolish for us to delay this program.

So I, as a member of the Subcommittee on Oceanography that went into this problem in detail, believe I can honestly ask the Members to come up with that additional $3 million, because I think it is definitely in the interest of this country. To delay the program, as the gentleman from Louisiana Congressman BREAUX said, would certainly cost us many millions of dollars more. The estimate from Dr. Robert White, president of the Joint Oceanographic Institute, Inc., was $20 million. So I would ask the members of the committee to give us some support on this project. It is an additional $3 million but it would be money well spent.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, will the gentleman straighten me out on this? I am under the impression that ship is being used at the present time for drilling operations in the Atlantic. If it is not that ship which is being used, what ship is it they are using?

Mr. PRITCHARD. I think the gentleman is mixed up. That is another ship.

Mr. BREAUX. Mr. Chairman, if the gentleman will yield, the gentleman might be referring to the *Glomar Challenger*, which is a smaller ship that the National Oceanographic Service is using.

Mr. WYDLER. And the larger sister ship is in mothballs at the present time?

Mr. BREAUX. Yes, sir.

Mr. WYDLER. I thank the gentleman.

Mr. HARKIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our subcommittee cut the $3.2 million out of this not lightly in any way. We had the National Science Foundation people up 1 day on extensive hearings on this project.

What we are talking about is not drilling for oil or anything else. That would be something subsidiary that might come along, but what we are talking about is drilling very deeply in what is called the margins, where the plates meet, where the crust of the Earth is subsiding underneath another plate and they want to drill down into that area and get some scientific data. There might be some subsidiary benefits in oil, and so on, but they would be subsidiary benefits.

We are talking about a very big project. The estimates range from $450 million to $540 million. This project would use the *Glomar Explorer*, the existing ship.

Our subcommittee felt at this time the NSF had really not justified this expenditure of money.

We do not know if we are going to go ahead with this $450 million to $540 million project. We have not made that decision as yet. And, Mr. Chairman, when I say "we" I mean the National Science Foundation has not made that decision. We have not come to the Congress for that kind of money.

Further, Mr. Chairman, we want to hold the line on the budget, just as I mentioned in my opening remarks we only increased it by $400,000, but we left in the $1 million for this purpose for the feasibility study and for the preliminary design cost estimates studies. We still do not have an indication of how much the whole thing will cost or whether it is feasible.

For that reason, Mr. Chairman, I think the $1 million represents sufficient money for the use of the National Science Foundation to continue the studies and to come back after the preliminary studies are made and decide whether or not this project should go ahead.

Mr. Chairman, I might add one other thing and that is that the National Science Board, which is required by law to approve any projects costing more than half a million dollars, have to give their approval of these projects, and they have not given their approval to this project as yet, although the Board did authorize the appropriation of this money for the preliminary studies.

So, Mr. Chairman, we believe that the $1 million is sufficient to go ahead with the preliminary design and study concept.

The only items, I am told, that will not be funded, the items that will go unfunded with this cut, are the design of the drill string and the site surveys.

We do not believe that delaying these two items will delay the overall project.

Finally, Mr. Chairman, I might speak to the amount of the $28 million that has been referred to by two previous speakers, telling us that if we delay this a year that the total cost will be increased by $28 million. Let me say that this estimate came from Dr. Robert White, president of the Joint Oceanographic Organization and that is the group that will receive the bulk of the money if this project is approved.

But, Mr. Chairman, I think the responsible thing to do is to give the money to the National Science Foundation that is needed to make the preliminary studies so as to know what the cost estimates are so that we will know what we are talking about in next year's bill.

Mr. FUQUA. Mr. Chairman, if the gentleman will yield, is it not true that in the testimony before the committee it was made pretty clear that the National Science Foundation really was not sure it could spend the additional funds that the amendment offered by the gentleman from Louisiana, Mr. BREAUX's amendment provides? Therefore, I believe that we should approve the approach of using the $1 million, then if the NSF comes back with the information that they can carry on with the project and have the facts and figures in a more definitive outline, then we can go ahead in the next authorization bill and grant it. But there is serious question with regard to the total funds, whether the $4.2 million could be actually expended in this fiscal year.

Is that correct?

Mr. HARKIN. The gentleman is right. That is why I feel the responsible thing for us to do is to provide the $1 million for this project now. Speaking for myself and, I believe, for the subcommittee and the full committee, none of us are opposed to the project, but, rather we want to proceed in an orderly and responsible manner.

Mr. HOLLENBECK. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from New Jersey.

Mr. HOLLENBECK. Mr. Chairman, I heard the subject of drilling for oil mentioned earlier in the debate.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 3 additional minutes.)

Mr. HOLLENBECK. Mr. Chairman, if the gentleman will yield further, it seems to me that all of the testimony was aimed at the fact that the current plans for this drilling were purely scientific and not for oil exploration and the like. Is that the recollection of the gentleman from Iowa?

Mr. HARKIN. Yes, that is my recollection. That is what the National Science Foundation testified to.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I have just a couple of points that I would like to cover.

First of all, on the position of the National Science Foundation, let me say that the assistant director of the National Science Foundation, Dr. John Slaughter, when I asked him in the hearings whether he thought the money was necessary said:

> We feel very strongly about the need for the $4.2 million to do the kind of job we think is important to do.

He continued to clearly express how it was to be used and what the timetable for it was going to be, and he said:

> Rather than experience the kind of delay in moving ahead that could occur, which might cost us as much as $25 million to $30 million to recover, it is essential to have the kind of funding in fiscal year 1979 to allow us to complete those studies and to make an assessment of the proper places to drill.

And he was referring to this year.

So at least in their testimony before the subcommittee they said the money was necessary, that they could use it, and if we were to delay it would end up

costing everyone a whole lot more money than that.

Mr. HARKIN. I thank the gentleman. I would just respond to that by again saying that certainly those people in NSF want, of course, to keep their budgets up as much as possible in the different directorates, but again I think the responsible way to proceed is to make them justify the program first. We have not had that kind of justification for a half-billion-dollar project to move ahead as rapidly as they want. We feel that the million dollars for the study is sufficient for this year. Of course, we will be back next year with their feasibility study and with their cost estimates. Then we will have a firmer handle on just how we are going to proceed on it, and at that time this committee can again take it up.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BREAUX. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chairman announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Louisiana (Mr. BREAUX) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 291, not voting 32, as follows:

[Roll No. 232]

AYES—111

Addabbo	Cunningham	Gradison
Alexander	D'Amours	Green
Anderson, Calif.	Davis	Hagedorn
	de la Garza	Hammer-schmidt
Andrews, N. Dak.	Derwinski	Hannaford
	Dickinson	Harsha
Archer	Dicks	Hawkins
Armstrong	Dodd	Huckaby
Badham	Dornan	Hughes
Blouin	Edwards, Ala.	Jenrette
Boggs	Erlenborn	Johnson, Colo.
Breaux	Evans, Ga.	Ketchum
Brown, Mich.	Fascell	Kindness
Brown, Ohio	Fish	Lagomarsino
Burgener	Foley	Leggett
Burton, John	Ford, Mich.	Lehman
Carney	Forsythe	Lent
Carter	Fraser	Livingston
Clawson, Del	Garcia	Long, La.
Cleveland	Gilman	Lott
Conable	Ginn	Lujan
Cotter	Goldwater	McClory
McEwen	Pritchard	Stark
McKinney	Pursell	Stratton
Mahon	Quie	Studds
Mathis	Railsback	Treen
Meeds	Risenhoover	Van Deerlin
Mikulski	Rooney	Vander Jagt
Miller, Calif.	Rousselot	Waggonner
Moore	Roybal	Walsh
Moorhead, Calif.	Russo	Whalen
	Santini	Wiggins
Moorhead, Pa.	Sarasin	Wilson, Bob
Murphy, N.Y.	Schroeder	Wilson, Tex.
Nolan	Sebelius	Young, Alaska
O'Brien	Seiberling	Young, Fla.
Oberstar	Spence	Zeferetti
Patterson	Stangeland	

NOES—291

Abdnor	Evans, Del.	Markey
Akaka	Evans, Ind.	Marks
Allen	Fary	Marlenee
Ambro	Fenwick	Marriott
Anderson, Ill.	Findley	Martin
Annunzio	Fisher	Mattox
Applegate	Fithian	Mazzoli
Ashbrook	Flippo	Metcalfe
Ashley	Flood	Meyner
AuCoin	Florio	Michel
Bafalis	Flowers	Mikva
Baldus	Flynt	Miller, Ohio
Barnard	Ford, Tenn.	Mineta
Baucus	Fountain	Minish
Bauman	Fowler	Mitchell, Md.
Beard, R.I.	Frenzel	Mitchell, N.Y.
Beard, Tenn.	Frey	Moakley
Bedell	Fuqua	Moffett
Bellenson	Gaydos	Mollohan
Benjamin	Gephardt	Montgomery
Bennett	Giaimo	Moss
Bevill	Gibbons	Motti
Biaggi	Glickman	Murphy, Ill.
Bingham	Gonzalez	Murphy, Pa.
Blanchard	Goodling	Murtha
Boland	Gore	Myers, Gary
Bolling	Grassley	Myers, John
Bonior	Gudger	Myers, Michael
Bowen	Guyer	Natcher
Brademas	Hall	Neal
Breckinridge	Hamilton	Nedzi
Brinkley	Hanley	Nichols
Brodhead	Hansen	Nowak
Brooks	Harkin	Oakar
Broomfield	Harrington	Obey
Brown, Calif.	Harris	Ottinger
Broyhill	Heckler	Panetta
Buchanan	Heftel	Patten
Burke, Fla.	Hightower	Pattison
Burke, Mass.	Hillis	Pease
Burleson, Tex.	Holland	Pepper
Burlison, Mo.	Hollenbeck	Perkins
Butler	Holt	Pickle
Byron	Holtzman	Pike
Caputo	Horton	Poage
Carr	Hyde	Pressler
Cavanaugh	Ichord	Preyer
Cederberg	Ireland	Price
Chappell	Jacobs	Quayle
Chisholm	Jeffords	Quillen
Clay	Jenkins	Rahall
Cohen	Johnson, Calif.	Rangel
Coleman	Jones, N.C.	Regula
Collins, Ill.	Jones, Okla.	Reuss
Collins, Tex.	Jones, Tenn.	Rhodes
Conte	Jordan	Richmond
Corcoran	Kasten	Rinaldo
Corman	Kastenmeier	Roberts
Cornell	Kelly	Robinson
Cornwell	Kemp	Roe
Coughlin	Keys	Rogers
Crane	Kildee	Roncalio
Daniel, Dan	Kostmayer	Rosenthal
Daniel, R. W.	Krebs	Rostenkowski
Danielson	LaFalce	Rudd
Delaney	Latta	Ruppe
Dent	Le Fante	Ryan
Derrick	Leach	Satterfield
Devine	Lederer	Sawyer
Diggs	Levitas	Scheuer
Dingell	Lloyd, Calif.	Schulze
Downey	Lloyd, Tenn.	Sharp
Drinan	Long, Md.	Shipley
Duncan, Oreg.	Luken	Shuster
Duncan, Tenn.	McCloskey	Sikes
Early	McCormack	Simon
Eckhardt	McDade	Skelton
Edgar	McDonald	Slack
Edwards, Calif.	McFall	Smith, Iowa
Edwards, Okla.	McHugh	Smith, Nebr.
Emery	McKay	Snyder
English	Madigan	Solarz
Ertel	Maguire	Spellman
Evans, Colo.	Mann	St Germain
Staggers	Trible	Whitehurst
Stanton	Tsongas	Whitten
Steed	Ullman	Wilson, C. H.
Steers	Vanik	Winn
Steiger	Vento	Wirth
Stockman	Volkmer	Wolff
Stokes	Walker	Wright
Stump	Wampler	Wydler
Symms	Watkins	Wylie
Taylor	Waxman	Yates
Teague	Weaver	Yatron
Thompson	Weiss	Young, Mo.
Traxler	White	Zablocki

NOT VOTING—32

Ammerman	Eilberg	Rose
Andrews, N.C.	Gammage	Runnels
Aspin	Hefner	Sisk
Bonker	Howard	Skubitz
Burke, Calif.	Hubbard	Thone
Burton, Phillip	Kazen	Thornton
Clausen, Don H.	Krueger	Tucker
	Lundine	Udall
Cochran	Milford	Walgren
Conyers	Nix	Whitley
Dellums	Rodino	Young, Tex.

Mr. DICKINSON and Mr. STRATTON changed their vote from "no" to "aye."

Mr. GONZALEZ changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 2, line 5, strike $158,000,000 and insert $152,000,000.

Mr. ASHBROOK. Mr. Chairman, since first being elected to Congress I have been deeply dismayed by the tremendous waste in Government spending. Every year millions and millions of taxpayers' dollars go down the drain without serving any useful purpose.

Congress must bear a large share of the responsibility for this waste. All too often funds are appropriated and then there is no follow-up to see that the money is being wisely spent.

Research grants given out by Federal agencies such as the National Science Foundation are an area of particular abuse. Highly questionable projects will be funded to the tune of tens or even hundreds of thousands of dollars.

Perhaps some of you saw the segment on CBS–TV's "60 Minutes" program a few weeks ago, called "Bugs Are a Negative Factor." It discussed NSF's incredible $918,000 project in Big Sky, Mont., which resulted in a report so full of academic gobbledygook that about the only intelligible finding was that people who go camping don't like bugs and mosquitoes. As one man on the show stated; "I know a little bit about hunting and fishing and camping and stuff like that, and for $900 I could tell them the same thing they spent $900,000 to find out."

The CBS story properly credited NSF with supporting much good research. But it also noted that many NSF grants are nothing more than "intellectual welfare." They support research that the public doesn't need, that only satisfies a researcher's eccentric fancy, and whose results are then wrapped up in

lots of academic double-talk in an attempt to fool us into believing that the project was worthwhile, when most likely it was not.

Other examples abound. NSF gave $40,000 for research of "Spider Distributions Associated With Prey Density." Then there was the NSF-funded study "Social Behavior of Prairie Dogs" and the investigation of "The Socio-Sexual Behavior of the Dabbling African Black Duck." Or how about $19,370 spent to study "Epiphytic Vegetation of Brazilian Amazonia."

Another $40,700 grant went to study "Interpersonal Attraction in the Laboratory and in Educational Settings." Others included $36,500 to study "Evolution of Songlearning and Consequences in Parasitic Finches," and $25,000 for a series of experiments including one to gauge people's reactions when shown a picture of an octopus in a barnyard.

Just looking at NSF grants for March and April, I came across one for $107,827 for studying "Coordinated Activities in the Middle-Ear and Laryngeal Muscles of Echo locating Bats." There was also $35,600 for "Gene Action and the Development of Pigment Patterns in Mice" and $34,900 for "Magmatic Evolution at Active Volcanoes in El Salvador and Nicaragua." In addition, $33,439 was awarded for "Factors of Non-breeding Habitat in Shorebird Social Systems."

Crazy grant titles are far from being the major problem. It is the muddy, often totally wasteful research that is behind the titles as well. The following grant summary quoted during Senate hearings on NSF appropriations tells the story:

This research continues substantive work on problems of internal representation and concurrent related methodological work on problems of external representation. The emphasis in the substantive work is upon experimental paradigms that yield structurally rich information bearing on questions of the extent to which internal representations and mental operations upon these are in some sense isomorphic to or analogous of their corresponding external objects and transformations.

No wonder taxpayers are angry, and I share their belief that Congress should do something concrete to stop this kind of foolish Federal spending. By all means let us encourage and support good basic research. But let us also strike a blow for commonsense by sending a message to NSF that it is time to stop awarding Federal research funds for "intellectual welfare."

That is why I am offering an amendment to NSF's fiscal year 1979 authorization bill to reduce the foundation's $941 million budget by $6 million in the area where many of the questionable grants are funded. This cut will come out of the NSF's $158 million line item for biological, behavioral, and social sciences research, which has been increased a whopping 11.1 percent over its current fiscal year 1978 budget plan. The social sciences element of this area, where a very large number of questionable esoteric grants come from, has been increased 22.5 percent over the current fiscal year 1978 budget in that area. My amendment provides a modest cut, and still allows more than $9 million increase in biological, behavioral, and social sciences basic research support over fiscal year 1978. It is less than a 1-percent cut in the total NSF basic research budget proposed for next year, which this bill increases 10 percent over last year.

But the amendment is designed to send a message to the National Science Foundation, without hurting support for good and worthwhile basic research, that Congress will not continue to authorize funds for unreasonable basic research, and that Federal research granting agencies should apply criteria of public importance to projects they support.

I urge your "yes" vote for my amendment to H.R. 11400.

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment.

I have studied NSF programs with some interest, and I am concerned about the bad image being given to Federal R. & D. efforts by some of the frivolous and unnecessary projects that are being funded by the foundation.

These projects get a lot of adverse publicity.

We have all seen news reports and television exposes about some of the more outlandish ones, such as projects to research the sociology of spider webs.

This amendment would sound a needed bell for some fiscal responsibility by NSF along these lines, in one budget area where much frivolous research gets funded, without hurting other good research efforts.

We cannot expect NSF to think seriously in terms of real public importance in the funding of research projects if we continue to authorize huge annual increases for esoteric and low-priority research.

I want to include a table in the RECORD which shows the huge increases authorized by this bill in the budget area that this amendment seeks to reduce:

NATIONAL SCIENCE FOUNDATION—SUMMARY OF FY 1979 BUDGET FOR BIOLOGICAL, BEHAVIORAL, AND SOCIAL SCIENCES RESEARCH SUPPORT

	Actual fiscal year 1977	Current plan fiscal year 1978	House S.&T. Committee mark	Difference fiscal year 1979/78	Percent difference fiscal year 1979/78
I. Physiology, cellular, and molecular biology:					
Number of awards	1,169	1,220	1,190	−30	−2.4
Average dollars per grant	$43,920	$47,000	$51,500	$4,500	+9.5
Level of funding:					
(a) Biochemistry	7,715,000	8,720,000	9,220,000	+500,500	+5.7
(b) Biophysics	9,333,049	9,800,000	10,400,000	+600,000	+6.1
(c) Cell biology	4,400,000	4,400,000	5,180,000	+780,000	+17.7
(d) Developmental biology	5,304,000	6,900,000	7,400,000	+500,000	+7.2
(e) Genetic biology	7,916,002	9,010,000	9,600,000	+590,000	+6.5
(f) Human cell biology	3,004,000	3,000,000	3,100,000	+100,000	+3.3
(g) Metabolic biology	7,542,000	8,485,000	9,000,000	+515,000	+6.0
(h) Regulatory biology	6,128,002	7,000,000	7,400,000	+400,000	+5.7
Subtotal	51,342,073	57,315,000	61,300,000	+3,985,000	+6.9
II. Behavioral and neural sciences:					
Number of awards	619	700	760	+60	+8.5
Average dollars per grant	$38,459	$40,400	$43,500	+$3,100	+7.6
Level of funding:					
(a) Neurobiology	5,614,840	7,250,000	8,650,000	+1,400,000	+19.3
(b) Sensory physiology and perception	3,957,700	4,600,000	5,600,000	+1,000,000	+21.7
(c) Memory and cognitive processes	1,758,700	2,000,000	2,250,000	+250,000	+12.5
(d) Psychobiology	3,261,400	3,600,000	3,850,000	+250,000	+6.9
(e) Social and developmental psychology	2,797,908	3,250,000	3,800,000	+550,000	+16.9
(f) Anthropology	4,550,144	5,600,000	6,600,000	+1,000,000	+17.8
(g) Linguistics	1,865,600	2,000,000	2,350,000	+350,000	+17.5
Subtotal	23,806,292	28,300,000	33,100,000	+4,800,000	+16.9
III. Environmental biology:					
Number of awards	587	600	600		
Average dollars per grant	$51,403	$54,300	$57,000	+$2,700	+4.9
Level of funding:					
(a) Ecology	4,169,401	4,600,000	5,000,000	+400,000	+8.7
(b) Ecosystem studies	10,791,968	11,100,000	11,300,000	+200,000	+1.8
(c) Systematic biology	6,901,633	6,700,000	7,000,000	+300,000	+4.4
(d) Research resources	4,596,230	5,600,000	6,000,000	+400,000	+7.1
(e) Population biology and physiological ecology	3,714,310	4,600,000	4,900,000	+300,000	+6.5
Subtotal	30,173,542	32,600,000	34,200,000	+1,600,000	+4.9

NATIONAL SCIENCE FOUNDATION—SUMMARY OF FY 1979 BUDGET FOR BIOLOGICAL, BEHAVIORAL, AND SOCIAL SCIENCES RESEARCH SUPPORT—Continued

	Actual fiscal year 1977	Current plan fiscal year 1978	House S.&T. Committee mark	Difference fiscal year 1979/78	Percent difference fiscal year 1979/78
IV. Social sciences:					
Number of awards	375	400	430	+30	+17.5
Average dollars per grant	$56,761	$60,000	$68,400	+$8,400	+14.0
Level of funding:					
(a) Economics, geography, and regional science	9,722,250	10,600,000	12,300,000	+1,700,000	+16.0
(b) Sociology, social indicators	5,507,510	5,800,000	7,000,000	+1,200,000	+20.7
(c) Political science, law, and social sciences	3,265,752	3,800,000	4,500,000	+700,000	+18.4
(d) Special projects	1,330,390	2,200,000	3,700,000	+1,500,000	+68.2
(e) History and philosophy of science	1,459,400	1,600,000	1,900,000	+300,000	+18.7
Subtotal	21,285,302	24,000,000	29,400,000	+5,400,000	+22.5
Total, biological, behavioral, and social sciences:					
Number of awards	2,750	2,920	2,980	+60	+2.0
Average dollars per grant	$46,039	$48,700	$53,000	+$4,300	+8.8
Level of funding	$126,607,209	$142,215,000	$158,000,000	+15,785,000	+11.1

How can we possibly justify a 22.5-percent increase for social science research projects, which are funded by the Federal Government on an unsolicited basis?

NSF is not a mission agency, like NASA and the Commerce Department.

Researchers submit proposals to NSF for funds to research some idea that they want to develop. These projects are not necessarily vital to the public interest, and often do not justify taxpayer support.

Obviously NSF must toe the line on some of this over-generous spending for questionable research. The best way to accomplish this is to slightly cut the Foundation's budget in an area where much of the trouble lies. This may prompt NSF program officers to use more discretion in the projects they support.

NSF should not be in the business of using taxpayer dollars to finance the research hobbies of academic Ph.D.'s who have some time on their hands and some esoteric idea that they would like to develop at public expense.

This amendment will help us to accomplish the objective of limiting this practice, of injecting some fiscal sanity into the support of basic research.

I urge adoption of the amendment.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. More than 100 years ago, a distinguished U.S. Senator by the name of Simon Cameron rose in the Senate Chamber and declared, "I am tired of all this thing called science. We have spent millions on that sort of thing for the last few years and it is time it should be stopped."

Cameron was venting his frustration in 1861 over a $6,000 request by the Smithsonian Institution for funds to be used for scientific endeavors. How forunate we are that Senator Cameron's views were in the minority. I shudder to think what the state of the world might be now if the U.S. Congress had decided, in 1861 to cease its encouragement and support for scientific research.

Today the House is being asked to approve a bill to authorize funds for NSF for next year. While no responsible Member would now suggest that the Government terminate its support for scientific research, some may begin to question why we have to spend all this money, over $940 million to the NSF. To those of my colleagues who would even begin to think such thoughts, I would like to point out that in the 117 years since Senator Cameron spoke those words, science has eliminated most of the diseases and pestilences that have plagued mankind from prehistoric times; has made giant strides to provide a better understanding of the fundamental laws of nature; has provided the United States with the capability to have the highest standard of living in the world, and one with unlimted potential.

I would like to talk about the amendment which is offered and some of the comments just made about studying "gay sea gulls." We have heard a lot of discussion about studying homosexual sea gulls. The title of this project is really the "Etho-Endocrinology of Female Pairs of Western Gulls." Somebody wrote a newspaper article about it and titled it "Gay Gulls Discovered."

What is this study? This is a study of hormones. Endocrinologists study the glands which secrete hormones and the mechanisms by which hormones are made.

Ethology is the study of animal behavior and in 1973 the Nobel Prize in physiology and medicine was awarded to three men who many regarded as "Mere Animal Watchers."

Two of these men, Dr. Lawrence and Dr. Ben Bergen studied the behavior of birds. This study we are funding now for $62,300 is to continue that kind of study. What kind of hormone differences are making these birds act the way they do?

You know, we get a lot of talk in this Chamber about silly sounding grants and about why they are funded. Let me give you an example of silly sounding grants and what they do. Here is one titled, "The Excretion of Urine in the Dog." How many members would like to go on record as voting for funds to study the excretion of urine in the dog?

Then there is, "The Excretion of Insulin by the Dogfish." Such studies seem rather remote from human concerns.

Yet the results of this study by Dr. Shannon led to vital information on the function of the human kidney and the relationship of hormones to kidney functions. In 1975 Dr. Shannon was awarded this Nation's highest honor in science, the National Medal of Science, for his research in this area.

How about rat skins and pigeon hearts? How many Members would like to vote for funds for a study of the "Spectroflurometry of Rat Skins" and "Aerobic Reduction of Cytochrome in Pigeon-Hearts?" Again, what do they have to do with all the pressing problems that face us today?

The answer is that the work done on these 2 studies by Dr. Chance—and again he too was awarded the National Medal of Science in 1975—led to developing methods of identifying what factors were crucial to the performance of the lungs and the blood in supplying oxygen to body tissues.

Here is really a good one: How many Members would like to vote to spend some of their taxpayer's dollars on a study that is titled "Concerning the Inheritance of Red Hair"? Do the Members think their taxpayers would approve spending money on that? The answer is yes, if they are told the full truth about this study.

This study was done by Dr. James Neel of the University of Michigan Medical School, and he won the National Medal of Science for his work. That research increased our understanding of sickle cell anemia, a disease that follows genetic patterns of inheritance.

So these are funny-sounding titles, but the amount of information we have gained from the studies has increased by a thousandfold our understanding of what is happening in human nature. They all go together to make up this great jigsaw puzzle in our study of the science of human behavior and human nature. These studies may sound silly; they may sound like a waste of money.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, as I say, these titles may sound silly. Some of them may not bear fruit, but they are all very important.

I want to leave the Members with this one thought about how important one of these projects may be, even though it sounds silly. How many Members in the past would have voted for money to study the "Growth of viruses in monkey kidney cells"? Probably not very many.

But this project alone won the Nobel Prize for Dr. John Enders of Harvard University some years ago. The study had no practical use at that time, but it laid the foundation for the development of the first polio vaccine by Dr. Jonas Salk. The silly sounding title of a basic research project today may be the cancer cure of tomorrow.

Mr. Chairman, I yield back the balance of my time.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the fact that my distinguished colleague, the gentleman from Iowa (Mr. HARKIN) has now told us why he thinks these specific grants in this section on biological, behavioral, and social sciences are so important. The gentleman mentioned that he could tell us something about them, and I think he said something about the fruitful results that have occurred.

Was the gentleman speaking of the gay gulls, or just what did he have in mind when he spoke about "fruitful results"? Can the gentleman tell us what the results were?

Mr. Chairman, I think the taxpayers would be glad to know that some Members from the gentleman's side of the aisle hissed when we were trying to find out how this $158 million was to be spent. Let the RECORD show that.

But can the gentleman tell us what fruitful results we are to have from this specific research?

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, as I understand it, the study was just started last June. I do not know that we have any results yet.

Mr. ROUSSELOT. It started last June, and we do not have any idea what end results we can expect?

Mr. HARKIN. Of course not. With many of these studies we will not know the end results for years. Again, this may be just one little part of the jigsaw puzzle.

Mr. ROUSSELOT. For years we will not know the result? Not even a guess?

Mr. HARKIN. We may not know for years.

Mr. ROUSSELOT. Mr. Chairman, the gentleman knows full well that our colleague, the gentleman from New York (Mr. DOWNEY) constantly demands of the Defense Department that we have an accountability on future research. Yet the gentleman is asking us to vote against this amendment because it will cut out what the gentleman from Ohio (Mr. ASHBROOK) feels are unnecessary authorizations. This is the place to reduce something before we get started.

So would the gentleman tell us again what grand results we are going to have from these studies?

Mr. MCCORMACK. Mr. Chairman, if the gentleman will yield, perhaps I can be of help to him.

Mr. ROUSSELOT. Yes, I yield to the gentleman. We do need a lot of help.

Mr. MCCORMACK. Mr. Chairman, in the first place, we never set out on basic research with the promise that we are going to have some immediate profitable results. Basic research is established as a search for truth, and many pieces of truth from many different sources may, over a long period of time, interlock together to the benefit of society.

Let me give the gentleman several simple examples.

This particular study that he is questioning really has to do with the relationship between hormones in animal bodies and animal behavior. This is something we do not understand, and it has perplexed medical science for many years. There are thousands of questions which flow from such relationships.

Mr. ROUSSELOT. Mr. Chairman, if I could interrupt for just 1 minute, the gentleman from Iowa stated that there were going to be, or hoped to be, some very concrete results to come from this research. What are they?

Mr. MCCORMACK. If the gentleman will yield for a moment longer, and allow me to finish my comments, I will answer his question. We have known for many years, for instance, that secretions—or the lack of them—in the body influence diabetes, our ability to metabolize sugar, that they influence gout, our ability to metabolize amino acids. We have learned that they influence schizophrenia and epilepsy.

Mr. ROUSSELOT. Have we learned this from the gay gulls?

Mr. MCCORMACK. We have learned this from basic research.

Mr. ROUSSELOT. What basic research?

Mr. MCCORMACK. Basic research similar to the research that is being carried out today in thousands of different experiments, such as the one gentleman has picked to make fun of.

Mr. ROUSSELOT. I am not trying to make fun of it. I want to understand it.

Mr. MCCORMACK. The point I am making is that these relations between chemical secretions in any animal body—and many of them are extremely subtle—are related to all sorts of behavioral patterns. We are now learning that minute traces of new chemicals produced in the body, and found with new methods of detection, may influence our ability to learn, our general health, our resistance to disease, the aging process, and many similar and important human activities. All research in these and related areas may interlock, and lead to important discoveries for mankind.

Mr. ROUSSELOT. I must say to my colleague, if I could recapture some of my time, that I do not think he is really contributing an answer to the question.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

Mr. Speaker, I think we ought to put this in its proper perspective.

Mr. ROUSSELOT. Does the gentleman think that is possible?

Mr. ASHBROOK. My friend, the gentleman from Iowa, compared my amendment to an amendment offered some 100 years ago. The scope of that amendment was to cut out research altogether. I think anybody who has read my amendment can see that we are cutting from $158 million to $152 million. I leave it to your own best judgment whether the $152 million will be spent in basic proper applied research. I myself might have some doubt. You might not.

The CHAIRMAN. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield further, the other side of the argument of my colleague, the gentleman from Iowa, implicit in his argument is that everything they have spent is proper, he would support, and somewhere, someplace, sometime it is going to help man and mankind. If you believe that, then go ahead and vote my amendment down. But if you have just one little inkling somewhere in some dark, deep passage of your mind you will do otherwise. The gentleman talked about schizophrenia. Maybe he is talking about balanced budgets and voting against amendments like this. Who knows, maybe they ought to study that. But if you have any doubts whatsoever about the overall expenditures of the National Science Foundation, then a cut of $6 million in no way is going to hurt them in their good purposes. I would suggest that we vote for this amendment.

Mr. ROUSSELOT. I thank the gentleman for his comments and want to emphasize just one fact. The Ashbrook amendment would delete $6 million from the "Biological, behavioral and social sciences" section of the bill thereby reducing the program in fiscal year 1979 to $152 million. This is no meat-ax cut—all we are suggesting is a restraint on the increase over last year's budget. In fiscal year 1978 this same category was budgeted at $142 million. Putting the fiscal 1979 level of funding at $152 million would still be a 6.8 percent increase over last year.

Mr. TEAGUE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our committee has taken note of the problems of the National Science Foundation. I confess I do not know anything about the sex life of seagulls, but I do know a little about cattle. A few years ago on this floor it was proposed that we study the sex life of the fly, and everybody laughed and everybody thought it was ridiculous. But anybody in this House who knows anything about cattle knows that we got rid of the screw worm by studying the sex life of the fly. So it is not good to ridicule every kind of proposal that comes up here.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I attempted to ask the gentleman from Iowa (Mr. HARKIN) to yield briefly because I thought the point ought to be made that there is a set of priorities which every agency has to deal with.

I think the question which the Ashbrook amendment goes to is the question of whether or not the National Science Foundation has always acted wisely in the selection of basic research projects.

It bothers me that during the committee hearings on one occasion I did ask the NSF representatives to describe some of their failures to me. Their response was that they believe there were no failures. It appears that their attitude is as long as they spend money and they generate some information, there is no failure involved.

I reject that attitude because of the fact that a serious need has been demonstrated for the application of basic research. Perhaps $150 million is not adequate, and the $6 million is necessary. However, the question that this Congress has to address itself to is as to whether it is going to apply sufficient pressure and oversight on NSF to justify those basic projects which they have funded. I do not think we can accept out of hand the attitude from this agency that just anything they do has been successful.

I personally think that they probably had some failures in that they have overlooked some of the greater needs when they have applied money to some of the lesser needs. It is that sort of attitude we have to get at.

Mr. Chairman, I tend to agree with the gentleman that with respect to this line item there has been a significant increase in funding.

I voted for the bill when it came out of committee, with reservations, much the same as those which the gentleman has expressed. Even if I object to his amendment, I will continue to have a concern that the attitude in this agency prevails that they have not failed and they cannot fail as long as some information is generated. That is a little narrow-minded, and I would hope they would change their attitude in that respect.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Washington.

Mr. McCORMACK. I thank the gentleman for yielding. I suggest to the gentleman that I do not think anyone in this Chamber would pretend that everything the National Science Foundation does is perfect, or that NSF personnel do not make errors in judgment in making grants. However to criticize on that plane is Monday morning quarterbacking.

I suggest to the gentleman that one of the greatest failures in the last 100 years of experimental history was the Michelson-Morley experiment, when two of the outstanding optical scientists of the world set out to measure the speed of the Earth through what was then called the ether. After years of extremely careful work they reported that they could find nothing.

The scientific world was dumfounded. The whole experiment was a colossal failure. Everyone asked why. It was that failure—and why it occurred that led Albert Einstein to develop the theory of relativity.

Mr. Chairman, even failures produce information and, in some cases, valuable information.

Mr. GARY A. MYERS. If I may respond to the gentleman, Mr. Chairman, my point was that I asked a representative of NSF this question: "Looking back on the projects to which you have already applied money, can you identify some information or some project that you would not have funded if you had better insight?"

They indicated in response to that that they had no failures.

Mr. Chairman, it seems to me that if they do not have a good way of evaluating past funding, that would make it very difficult to determine which are the most reasonable projects to go forward with.

There is a judgmental consideration, and all I was trying to get at is, What are the ground rules? What are the criteria which they attempted to project in a solicitation for a grant? What would be the proper funding for an appropriate project at the time?

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding.

The gentleman knows that not every proposal which comes into NSF is funded, not by any stretch of the imagination. They do have to make their determination, after peer review, in justifying the proposals.

When they do that, I would say that anything after that point which is regarded as basic research, anything that adds to the storehouse of knowledge that mankind has, is not a failure.

Mr. GARY A. MYERS. Of course, the gentleman then supports the attitude that NSF ought not to have any oversight applied to it by this Congress. It would seem to me that that is what the gentleman said in his original premise.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GARY A. MYERS) has expired.

(By unanimous consent, Mr. GARY A. MYERS was allowed to proceed for 2 additional minutes.)

Mr. GARY A. MYERS. Mr. Chairman, I agree, and the gentleman from Iowa (Mr. HARKIN) obviously agrees that there are more opportunities to fund than there are funds to apply, and that demands some level of competence in selecting the most worthwhile projects. Mr. Chairman, the question which I think it is proper for the Members of the House to ask is, "What criteria can you identify under which you selected projects when you would, in looking back, have felt that something else was more appropriate?"

Mr. HARKIN. Will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Iowa.

Mr. HARKIN. Our purpose is not to sit as an authority and pick one project over another. Our oversight authority and responsibility is to make sure that the procedures are fair and equitable, but not to sit in authority to pick one project over another.

Mr. GARY A. MYERS. The gentleman states my case, if I may reclaim my time. I think that is important. It was the procedure by which they work which I was trying to get at; procedures by which they apparently work so that they have no failures as long as some information is generated. That is what concerns me about their attitude. Their procedures indicate that they say, "Yes, there was some inappropriate application of funds, and we are taking corrective steps."

Mr. HARKIN. I would agree that there have been some projects that have been funded that maybe have not produced a tangible result, something we can grab hold of, but that research has added to the basic storehouse of knowledge we have, and it may produce results in the future. But, even if it does not, it adds to the total picture of our understanding of nature and human behavior.

Mr. GARY A. MYERS. It seems obvious to me that in the number of projects the National Science Foundation has made in any given year, there is great potential for advantage to pursue it. If, in fact, less potential has been selected, NSF has in fact experienced some sort of failure.

Mr. DOWNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to my colleagues who are anxious to vote, I promise that I will not take the full 5 minutes.

To my friend from Ohio who has, I believe, the taxpayers' interests at heart, and who I know is careful in his scrutiny of oversight, I issue this challenge to him:

If the gentleman is concerned with the $150 million or so R. & D. money that is spent in this committee, what I would hope he would do with me, when the $12 billion authorization for research and development for the military comes up, is that he will be as vigilant as he is with the National Science Foundation and take a look at some of the projects that we deal with in R. & D. in the Armed Services. For instance, we have the $3.1 million for food radiation, and we have spent almost $50 million for bombarding meat and potatoes with neutrons which the Army, by the way, has never been able to get FDA approval for.

Mr. ASHBROOK. I absolutely agree with that.

Mr. DOWNEY. I hope the gentleman is willing to take a hard look at the R. & D. budget, and take a look at some of these projects so that we might deal effectively with the National Science Foundation, and also the military, because I suspect that there are many, many hundreds of millions of dollars that we let slide by every year.

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield, I agree with him 100 percent on that particular point, as he well knows, because we conferred on it. As a matter of fact, I am one of those who thinks that it takes a considerable amount of talent to spend as much money on defense as we do, and have as little defense as we have.

Mr. DOWNEY. If the gentleman takes that stand, I am well pleased.

Mr. MARTIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I make this motion reluctantly. I was even reluctant to stay here when I was listening to the debate that has taken place. I oppose the Ashbrook amendment.

I would say to the Members that if the purpose of the Member who moved this amendment is to exercise fiscal control, to provide some change in the rate of increase in funding for scientific research, then I would say the evidence is there; he had made his case. Unfortunately the debate got far beyond that because we then began to indulge in a sort of amateur oversight in the area of science which, in real life as I have said before, was dear to my heart. The House got into an exercise of fun and games.

I would say to the Members that if what they seek to do is not just to exercise fiscal restraint, but rather to discourage basic research, fundamental research, research for which we do not know whether there will be a public benefit or a public payout, then I would say that they are threatening the technological superiority of our country. I would say to the Members that they are undermining the technological basis of our scientific society.

I have heard some of my colleagues talk disparagingly of esoteric research.

I have heard some of theim refer contradictorily to basic applied research, as though there were such a thing. I have heard those who criticize research which was not vital to our public interest.

What they are talking about there is basic research, basic fundamental studies, pure research, the investigation of fundamental scientific questions for which it may not be known until after, perhaps long after, the experiment is concluded whether there was any public benefit, until after the experiment was concluded.

I think I would have to say they are on dangerous grounds.

In general it can be shown that most scientific breakthroughs come not from applied research. Most scientific breakthroughs come not from practical applied studies but from fundamental research, where we do not know in advance whether or not we are going to find anything. In fact, it is difficult to decide, looking at the particular topic, whether there is going to be any benefit at all. That is why it is important for us to rely on the peer review system that is used for deciding which projects are going to be funded.

It seems to me some of our colleagues want to fund only applied research. I want to make a point about that. There we are talking about research where practical results are pretty well known in advance, where the public benefits are clearly perceived in advance. I want to suggest to the Members that if indeed, such benefits can be clearly perceived in advance we may not even really need to have Government fund that kind of research. If there are going to be marketable benefits we are going to find there will be numerous interests willing to pay for that kind of research, in order to enjoy the royalties and other benefits of patent rights.

Rather it is in the field where we cannot tell whether there will be any monetary rewards where the public support is much more important; where it is much more important for public policy to provide a climate for that kind of research. That is where we must seek to enable our best minds to study, not what we as politicians think they ought to be studying, but what they from their scientific training are led to be curious about, what they want to question, what they want to probe in a scientific way.

I would hope our Members would be very careful in considering this amendment before us today. If what we want is fiscal control, that is one question. That ought to be applied to all agencies, as we have indicated. But if what we want is to abolish fundamental studies as opposed to practical applied research, then I would urge the Members to be very careful because we are treading on very dangerous ground, indeed.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to congratulate my colleague for his excellent statement. Let me ask him if he would not agree that when we are pursuing basic research, really we are hoping to uncover facts. We are seeking scientific facts which by themselves may be confusing or of little present value; but which, taken together with what may result from various other experiments, may in time fit together into a new understanding of nature. It is when these new understandings are subsequently applied that we later produce valuable tools which may be of great benefit to human society?

Mr. MARTIN. The gentleman has put it very well. I thank him for his contribution.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. MARTIN was allowed to proceed for 1 additional minute.)

Mr. MARTIN. Mr. Chairman, often it is when our most capable scientific minds are investigating matters, which their training and the training of their colleagues enable them to study in ways that the rest of us cannot do, that they are often able to find discoveries that they had not anticipated. Those discoveries would not have been found if lesser minds were looking in those areas. It is only when we have our best minds which are studying a matter of curiosity to them that we have that kind of unexpected discovery known as serendipity. If we discourage our best talent from studying purely scientific questions which they can perceive but which you or I might ridicule, if instead we direct them to study only questions which the untrained mind can understand, society will lose.

I ask my colleagues to resist the temptation of this amendment and vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 229, not voting 31, as follows:

[Roll No. 233]

AYES—174

Abdnor	Fountain	Mitchell, N.Y.
Allen	Fowler	Moakley
Andrews, N. Dak.	Frenzel	Moliohan
Applegate	Frey	Montgomery
Archer	Gaydos	Moorhead, Calif.
Armstrong	Gilman	Mottl
Ashbrook	Ginn	Murphy, Ill.
AuCoin	Glickman	Murtha
Badham	Goldwater	Myers, Gary
Bafalis	Goodling	Myers, John
Barnard	Grassley	Neal
Bauman	Guyer	Nichols
Benjamin	Hagedorn	O'Brien
Bennett	Hall	Poage
Bevill	Hamilton	Pritchard
Bowen	Hammer-schmidt	Quayle
Breaux	Hansen	Quillen
Brinkley	Harsha	Regula
Broomfield	Heckler	Rinaldo
Brown, Mich.	Heftel	Risenhoover
Brown, Ohio	Hightower	Roberts
Broyhill	Hillis	Robinson
Buchanan	Horton	Rousselot
Burke, Fla.	Huckaby	Rudd
Burleson, Tex.	Hughes	Ruppe
Butler	Hyde	Russo
Caputo	Ichord	Santini
Clawson, Del	Ireland	Satterfield
Cleveland	Jeffords	Schulze
Collins, Tex.	Jenkins	Sebelius
Corcoran	Jenrette	Sharp
Cornwell	Jones, N.C.	Shuster
Coughlin	Jones, Okla.	Skelton
Crane	Kasten	Slack
Cunningham	Kelly	Smith, Nebr.
D'Amours	Kemp	Snyder
Daniel, Dan	Ketchum	Spence
Daniel, R. W.	Kindness	Staggers
Davis	Lagomarsino	Stangeland
de la Garza	Latta	Steed
Dent	Lederer	Stockman
Derrick	Lent	Stump
Derwinski	Levitas	Symms
Devine	Livingston	Taylor
Dickinson	Lott	Treen
Dingell	Lujan	Trible
Dornan	McDonald	Vander Jagt
Duncan, Tenn.	McEwen	Waggonner
Early	McKay	Walker
Edwards, Ala.	Madigan	Walsh
Edwards, Okla.	Mahon	Watkins
English	Marlenee	Whitehurst
Evans, Del.	Marriott	Whitten
Evans, Ga.	Mathis	Wilson, Tex.
Evans, Ind.	Mattox	Wydler
Findley	Michel	Yatron
Florio	Miller, Ohio	Young, Fla.
Forsythe	Minish	Zeferetti

NOES—229

Addabbo	Anderson, Calif.	Baldus
Akaka	Anderson, Ill.	Baucus
Alexander	Annunzio	Beard, R.I.
Ambro	Ashley	Beard, Tenn.
Ammerman		Bedell

Beilenson	Green	Patterson
Biaggi	Gudger	Pattison
Bingham	Hanley	Pease
Blanchard	Hannaford	Pepper
Blouin	Harkin	Perkins
Boggs	Harrington	Pettis
Boland	Harris	Pike
Bolling	Hawkins	Pressler
Bonior	Holland	Preyer
Brademas	Hollenbeck	Price
Breckinridge	Holt	Quie
Brodhead	Holtzman	Rahall
Brooks	Jacobs	Railsback
Brown, Calif.	Johnson, Calif.	Rangel
Burgener	Johnson, Colo.	Reuss
Burke, Mass.	Jones, Tenn.	Rhodes
Burlison, Mo.	Jordan	Richmond
Burton, John	Kastenmeier	Roe
Byron	Keys	Rogers
Carney	Kildee	Roncalio
Carr	Kostmayer	Rooney
Carter	Krebs	Rose
Cavanaugh	LaFalce	Rosenthal
Cederberg	Le Fante	Rostenkowski
Chappell	Leach	Roybal
Chisholm	Leggett	Ryan
Clay	Lehman	Sarasin
Cohen	Lloyd, Calif.	Sawyer
Coleman	Lloyd, Tenn.	Scheuer
Collins, Ill.	Long, La.	Schroeder
Conable	Long, Md.	Seiberling
Conte	Luken	Sikes
Corman	Lundine	Simon
Cornell	McClory	Skubitz
Cotter	McCloskey	Smith, Iowa
Danielson	McCormack	Solarz
Delaney	McDade	Spellman
Dicks	McFall	St Germain
Diggs	McHugh	Stanton
Dodd	McKinney	Stark
Downey	Maguire	Steers
Drinan	Mann	Steiger
Duncan, Oreg.	Markey	Stokes
Eckhardt	Marks	Stratton
Edgar	Martin	Studds
Edwards, Calif.	Mazzoli	Teague
Emery	Meeds	Thompson
Erlenborn	Metcalfe	Traxler
Ertel	Meyner	Udall
Evans, Colo.	Mikulski	Ullman
Fary	Mikva	Van Deerlin
Fascell	Milford	Vanik
Fenwick	Miller, Calif.	Vento
Fish	Mineta	Volkmer
Fisher	Mitchell, Md.	Wampler
Fithian	Moffett	Waxman
Flippo	Moore	Weaver
Flood	Moorhead, Pa.	Weiss
Flowers	Moss	Whalen
Flynt	Murphy, N.Y.	White
Foley	Murphy, Pa.	Wiggins
Ford, Mich.	Myers, Michael	Wilson, Bob
Ford, Tenn.	Natcher	Wilson, C. H.
Fraser	Nedzi	Winn
Fuqua	Nolan	Wirth
Garcia	Nowak	Wolff
Gephardt	Oakar	Wright
Giaimo	Oberstar	Wylie
Gibbons	Obey	Yates
Gonzalez	Ottinger	Young, Mo.
Gore	Panetta	Zablocki
Gradison	Patten	

NOT VOTING—31

Andrews, N.C.	Gammage	Shipley
Aspin	Hefner	Sisk
Bonker	Howard	Thone
Burke, Calif.	Hubbard	Thornton
Burton, Phillip	Kazen	Tsongas
Clausen, Don H.	Krueger	Tucker
	Nix	Walgren
Cochran	Pickle	Whitley
Conyers	Pursell	Young, Alaska
Dellums	Rodino	Young, Tex.
Eilberg	Runnels	

The Clerk announced the following pairs:

Mr. Rodino with Mr. Don H. Clausen.
Mr. Howard with Mr. Tucker.
Mrs. Burke of California with Mr. Cochran of Mississippi.
Mr. Krueger with Mr. Hyde.
Mr. Phillip Burton with Mr. Pursell.
Mr. Gammage with Mr. Luken.
Mr. Walgren with Mr. Bonker.
Mr. Thornton with Mr. Fascell.
Mr. Shipley with Mr. Ford of Michigan.
Mr. Nix with Mr. Hefner.
Mr. Dellums with Mr. Sisk.
Mr. Eilberg with Mr. Tsongas.
Mr. Mazzoli with Mr. Runnels.
Mr. Conyers with Mr. Aspin.
Mr. Kazen with Hubbard.
Mr. Whitley with Mr. Thone.

Mr. MAHON and Mr. LIVINGSTON changed their vote from "no" to "aye."

Mr. WIRTH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PANETTA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11400) to authorize the appropriation of specified dollar amounts for each of the National Science Foundation's major program areas (and certain subprograms), and to provide requirements relating to periods of availability and transfers of the authorized funds, pursuant to House Resolution 1099, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RUDD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 364, nays 37, not voting 33, as follows:

[Roll No. 234]

YEAS—364

Abdnor	Brademas	Corman
Addabbo	Breaux	Cornell
Akaka	Breckinridge	Cornwell
Alexander	Brinkley	Cotter
Allen	Brodhead	Coughlin
Ambro	Brooks	Cunningham
Ammerman	Broomfield	D'Amours
Anderson, Calif.	Brown, Calif.	Daniel, Dan
	Brown, Mich.	Daniel, R. W.
Anderson, Ill.	Brown, Ohio	Danielson
Andrews, N.C.	Buchanan	Davis
Andrews, N. Dak.	Burgener	de la Garza
	Burke, Fla.	Delaney
Annunzio	Burke, Mass.	Dent
Applegate	Burleson, Tex.	Derrick
Archer	Burlison, Mo.	Derwinski
Armstrong	Burton, John	Dickinson
Ashley	Butler	Dicks
AuCoin	Byron	Diggs
Badham	Caputo	Dingell
Baldus	Carney	Dodd
Baucus	Carr	Dornan
Beard, R.I.	Carter	Downey
Beard, Tenn.	Cavanaugh	Drinan
Bedell	Cederberg	Duncan, Oreg.
Beilenson	Chappell	Duncan, Tenn.
Biaggi	Chisholm	Early
Bingham	Clay	Eckhardt
Blanchard	Cleveland	Edgar
Blouin	Cohen	Edwards, Ala.
Boggs	Coleman	Edwards, Calif.
Boland	Collins, Ill.	Emery
Bolling	Conable	English
Bonior	Conte	Erlenborn
Bowen	Corcoran	Ertel
Evans, Colo.	Levitas	Regula
Evans, Del.	Livingston	Reuss
Fary	Lloyd, Calif.	Rhodes
Fenwick	Lloyd, Tenn.	Richmond
Findley	Long, La.	Rinaldo
Fish	Long, Md.	Risenhoover
Fisher	Lott	Roberts
Fithian	Lujan	Roe
Flippo	Lundine	Rogers
Flood	McClory	Roncalio
Florio	McCloskey	Rooney
Flowers	McCormack	Rose
Flynt	McDade	Rosenthal
Foley	McEwen	Rostenkowski
Ford, Tenn.	McFall	Roybal
Forsythe	McHugh	Ruppe
Fountain	McKay	Russo
Fowler	McKinney	Ryan
Fraser	Madigan	Santini
Frenzel	Maguire	Sarasin
Frey	Mahon	Sawyer
Fuqua	Mann	Scheuer
Garcia	Markey	Schroeder
Gaydos	Marks	Sebelius
Gephardt	Marlenee	Seiberling
Giaimo	Marriott	Sharp
Gibbons	Martin	Sikes
Gilman	Meeds	Simon
Ginn	Metcalfe	Shuster
Glickman	Meyner	Skubitz
Goldwater	Michel	Slack
Gonzalez	Mikulski	Smith, Iowa
Gore	Mikva	Smith, Nebr.
Gradison	Milford	Solarz
Grassley	Miller, Calif.	Spellman
Green	Miller, Ohio	Spence
Gudger	Mineta	St Germain
Guyer	Minish	Staggers
Hagedorn	Mitchell, Md.	Stangeland
Hall	Mitchell, N.Y.	Stanton
Hamilton	Moakley	Stark
Hammer-schmidt	Moffett	Steed
	Mollohan	Steers
Hanley	Montgomery	Steiger
Hannaford	Moore	Stockman
Harkin	Moorhead, Calif.	Stokes
Harrington		Stratton
Harris	Moorhead, Pa.	Studds
Hawkins	Moss	Teague
Heckler	Murphy, Ill.	Thompson
Heftel	Murphy, N.Y.	Traxler
Hightower	Murphy, Pa.	Treen
Hillis	Murtha	Trible
Holland	Myers, Gary	Udall
Hollenbeck	Myers, John	Ullman
Holt	Myers, Michael	Van Deerlin
Holtzman	Natcher	Vander Jagt
Horton	Neal	Vanik
Huckaby	Nedzi	Vento
Hughes	Nichols	Volkmer
Ireland	Nolan	Waggonner
Jacobs	Nowak	Walker
Jeffords	O'Brien	Walsh
Jenkins	Oakar	Wampler
Jenrette	Oberstar	Watkins
Johnson, Calif.	Obey	Waxman
Johnson, Colo.	Ottinger	Weaver
Jones, N.C.	Panetta	Weiss
Jones, Okla.	Patten	Whalen
Jones, Tenn.	Patterson	White
Jordan	Pattison	Whitehurst
Kasten	Pease	Whitten
Kastenmeier	Pepper	Wiggins
Kelly	Perkins	Wilson, Bob
Kemp	Pettis	Wilson, C. H.
Ketchum	Pickle	Wilson, Tex.
Keys	Pike	Winn
Kildee	Poage	Wirth
Kostmayer	Pressler	Wolff
Krebs	Preyer	Wright
LaFalce	Price	Wydler
Lagomarsino	Pritchard	Wylie
Le Fante	Quayle	Yates
Leach	Quie	Yatron
Lederer	Quillen	Young, Mo.
Leggett	Rahall	Zablocki
Lehman	Railsback	Zeferetti
Lent	Rangel	

NAYS—37

Ashbrook	Evans, Ga.	Rousselot
Bafalis	Evans, Ind.	Rudd
Barnard	Goodling	Satterfield
Bauman	Hansen	Schulze
Benjamin	Harsha	Skelton
Bennett	Ichord	Snyder
Bevill	Kindness	Stump
Broyhill	Latta	Symms
Clawson, Del	McDonald	Taylor
Collins, Tex.	Mathis	Young, Alaska
Crane	Mattox	Young, Fla.
Devine	Motti	
Edwards, Okla.	Robinson	

NOT VOTING—33

Aspin	Gammage	Runnels
Bonker	Hefner	Shipley
Burke, Calif.	Howard	Sisk
Burton, Phillip	Hubbard	Thone
Clausen, Don H.	Hyde	Thornton
	Kazen	Tsongas
Cochran	Krueger	Tucker
Conyers	Luken	Walgren
Dellums	Mazzoli	Whitley
Eilberg	Nix	Young, Tex.
Fascell	Pursell	
Ford, Mich.	Rodino	

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks, and to include extraneous matter, on the bill just passed, H.R. 11400.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES H. WILSON ATTACKS PHONY INVOICE FRAUDS

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, in recent months there has been a good deal of attention focused on fraud schemes which involve so-called false billings or phony invoices.

In these cases a fraudulent operation will mail materials to an organization or business in the form of an invoice or bill. Actually these are solicitations, not bills, but an organization's central accounting office is often misled, and taken in by the sham, and the "invoice" is paid.

This problem has fortunately received needed publicity as a result of the work of the Postal Consumer Protection Office, business and labor groups, and the determined efforts by several of my colleagues in the Congress, most notably Senator JOHN GLENN, of Ohio, and Congresswoman BARBARA MIKULSKI, of Maryland.

This issue is particularly important to me for two reasons. First, I am chairman of the Postal Personnel and Modernization Subcommittee, which has legislative jurisdiction over this issue. Secondly, many of these frauds, according to the Postal Service, operate out of the Los Angeles vicinity.

In light of this, I am today introducing identical legislation to that offered by Senator GLENN, and will be scheduling hearings on the issue in the near future. Specifically, the bill would increase Postal authorities ability to investigate and stop these illicit operators.

I am confident that with prompt congressional action we can enact into law this year a satisfactory deterrent to these obnoxious schemes.

At this point, I include the text of the bill to be entered into the RECORD:

H.R. 12190

A bill to amend the provisions of title 39, United States Code, relating to the mailing of solicitations disguised as invoices or statements of accounts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3005(a) of title 39, United States Code, is amended—

(1) by inserting "including the mailing of matter which is nonmailable under section 3001(d) of this title," after "false representations,"; and

(2) by adding at the end thereof the following: "For purposes of the preceding sentence, the mailing of matter which is nonmailable under such section 3001(d) by any person shall constitute prima facie evidence that such person is engaged in conducting a scheme or device for obtaining money or property through the mail by false representations.".

AFRICA UPDATE: RHODESIANS, REVOLUTIONARIES AND RUSSIANS

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, as Secretary of State Vance is now in Africa and has met with guerrilla leaders Joshua Nkomo and Robert Mugabwe and I believe is now meeting with the established transitional Government of Rhodesia, I would encourage my colleagues to read the firsthand report of another highly respected American, Lt. Gen. Daniel O. Graham, former head of the Defense Intelligence Agency, titled, "Update: Rhodesians, Revolutionaries and Russians." It is regrettable that there are few Members in this body who have not personally journeyed to Rhodesia to survey conditions as they exist thus permitting them to make informed and unbiased judgments.

Having been one of the few Members of the House to have visited Rhodesia, I have a basis for comparison and evaluation. I find General Graham's observations totally consistent with my own and while what he has to say is not highly complimentary of our policy with respect to Rhodesia, his comments are deserving of the attention of all Members. It is indeed strong language to state that a coalition of black Rhodesian moderates and the white Rhodesian minority are confronting a coalition of Marxist black terrorists, supported by the Soviet Union and incredible as it may seem—the United States and Great Britain, but unfortunately this is true.

It takes a big man and a great nation to admit that a mistake has been made. America is a great Nation and we can and should make such an admission at this time.

We can play a significant and positive role in the peaceful transition to majority rule, let's take the proper step in that direction, now.

Mr. Chairman, I would ask that General Graham's remarks be printed in the RECORD at this point.

The remarks follow:

AFRICA UPDATE: RHODESIANS, REVOLUTIONARIES AND RUSSIANS

(By Lt. General Daniel O. Graham, U.S. Army (Ret.))

The essence of the situation in Rhodesia today is this: A coalition of black Rhodesian moderates and the white Rhodesian minority are confronting a coalition of Marxist black terrorists supported by the Soviet Union and incredible as it may seem—the United States and Great Britain! This situation is made even more grotesque by the atrocities committed against defenseless black tribesmen by the US–UK supported side in the struggle for control of Rhodesia.

The recent political agreement inside Rhodesia between the whites led by Prime Minister Ian Smith and the moderate blacks represented by Mssrs. Chirau, Sithole and Muzorewe presents the United States and the British with a chance to make sense of policy toward that country and toward Southern Africa as a whole. This is the so-called "internal solution" to the problem of majority rule in Rhodesia. It quite simply excludes the participation of the Marxist "Popular Front" led by Joshua Nkomo from neighboring Zambia and Robert Mugabwe in neighboring Mozambique.

Both London and Washington have been insisting that no settlement in Rhodesia would be tolerated that did not include these "external" factions. Surprisingly, the British government softened its stand almost immediately after the new Salisbury agreement was announced, leaving the U.S. State Department alone in condemning the agreement out of hand. However, Washington registered second thoughts a few days later and took a more neutral stance toward the "internal solutions" in Rhodesia. It remains to be seen whether these faint indicators actually herald a return to common sense in U.S. policy toward critically important Southern Africa.

As one American who has visited Southern Africa, I certainly hope that our government takes advantage of the current opportunity to discard immoderate and immoral politics toward Rhodesia and South Africa. Once an American is brought face-to-face with the realities of Southern Africa, he finds it difficult if not impossible to explain his government's policies, let alone defend them. He finds the United States wide open to charges of blatant hypocrisy, of playing into our enemy's hands, and of pushing the black populations which we profess to defend backwards toward the Stone Age. The American in Southern Africa finds himself using the lame excuses of "American naivete" or "deference to British policies" to explain our blind hostility toward the Rhodesians and South Africans.

There is one other escape from the problem of trying to defend indefensible U.S. policy—to attack the obvious flaws in South African and Rhodesian societies. It is the easiest escape, because the American visitor can point the finger of outraged supermorality at the gross disparity of numbers between the powerful white factions and the politically deprived black population. He can in South Africa point with scorn at the "Whites Only" and "Nonwhite Only" signs which bedeck the country's facilities. (He can't do this in Rhodesia.) An American can lash out at the all too obvious disparity between Rhodesian and South African societies and the ideals (not the reality) of Western democracy.

Many Americans and Europeans take this tack when addressing Southern Africa. But to do so requires rejection of a fundamental reality—Rhodesia and the Republic of South Africa are in Africa, not in Europe or North America. The condemnation and subsequent pariah status of these two coun-

tries can be justified only by the unjust practice of comparing them with European states, e.g., Holland or France. If we judge them in the African context, Rhodesia and South Africa—for all their flaws—are exemplary states. This is true not only in terms of the material and social well-being of their black populations, but even in terms of the black populations.

The stark reality of Africa is that only a handful of its 52 nations are not totalitarian or authoritarian dictatorships. Some are ruled by incredibly brutal regimes such as that of Idi Amin's Uganda or Mengistu's Ethiopia. With the exception of four or five countries—Rhodesia and South Africa being prominent among those exceptions—no political opposition is allowed; no opposition newspapers, no meaningful elections. Most of these dictatorships are drifting backwards into tribalism, sometimes accompanied by massive slaughter of weaker tribes by the dominant one, e.g., 100,000 opposition tribesmen slaughtered in Burundi. Political repression in many of these countries makes the limited franchise of Rhodesia and South Africa appear benign and liberal.

These lame excuses are not a comfortable refuge from black and white Southern African questioners of U.S. policy. There is no escaping the fact that in Rhodesia black men are volunteering to defend the government in numbers too great to be accommodated with salary and arms, while on the other side, that of the "Patriotic Front", black recruits are collected at gun point and forced into the terrorist movement. Yet the U.S. government insists that the terrorist "Patriotic Front" represents Rhodesian blacks! There is absolutely no doubt that the "Patriotic Front" is supported by the U.S.S.R. and Cuban troops while the much-abused black and white Rhodesians plead for the support of the West. Yet we insist on joining our enemies against our friends. There is no doubt that the "confrontation states" of Zambia, Mozambique and Tanzania are destroying their own economies and reducing their black populations to misery while Rhodesia and South Africa offer the black person a far better life. We join the edeologues of black power to the detriment of black people. These realities which loom starkly to any American visiting Southern Africa make it awkward indeed to explain his government's attitudes.

The human misery in a country like Mozambique makes the economic condition of a black Rhodesian look utopian by contrast. Prior to the accession of black nationalists in Mozambique, the country exported foodstuffs. Today the population teeters on the brink of starvation, with utter famine ironically held at bay by food imports from the "enemy"—Rhodesia and South Africa. The once-great game herds of Mozambique are being slaughtered for food. Endemic diseases nearly obliterated by the Portuguese have returned in epidemic proportions.

These are African realities, and U.S. policies ignore them. We cannot pretend to a higher morality when we support totalitarian regimes over imperfect democracies. We deserve the appellation of hypocrites when we support the butchers and oppressors of black people simply because they are also black while condemning two African nations simply because the dominant "tribe" there is white, ignoring if not thwarting their progress toward our own political ideals.

The whites and moderate blacks of Rhodesia have given us a rare opportunity to shed our image as hypocrites. At a minimum we should drop our insistence that those who have perpetrated vicious atrocities against Rhodesian black people must be part of a settlement. How can we in good conscience insist that the terrorist leaders Nkomo and Mugabwe enter the Rhodesian government when their henchmen have hacked off the noses and genitals of black men and made their wives cook and eat the severed parts? Is this the road to political power we condone? Does our support of Soviet-backed terrorists who lock black women and children in huts and set fire to them signify U.S. concern for the black people of Rhodesia or contempt? Honest answers to these questions would prompt a U.S. change of policy toward support of the black-white settlement reached recently in Rhodesia which should be followed by a lifting of economic sanctions to give a promising effort by men of good will in that part of the world a reasonable chance of success.

THE FINANCIAL PLIGHT OF JUNIOR ENLISTED PERSONNEL OVERSEAS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, the financial plight of many of our junior enlisted personnel stationed overseas—particularly in Germany—has received considerable attention in the news media of late. Remarkably, junior enlisted personnel are not reimbursed if they move their families to overseas stations. To his credit, the President has requested funds to transport the dependents and household goods of service members overseas. If they are appropriated, I believe many of the financial problems of junior enlisted men will be alleviated. It is not fair to ask our military personnel to be separated from their families unless absolutely necessary.

Moving expenses are not the only cause of financial problems among junior enlisted personnel overseas. Once there, the service member stationed in certain areas receives a housing allowance and a cost-of-living allowance to offset the higher cost of living in these areas. Although these allowances are fairly responsive to changes in the difference in the cost of living due to the changes in the currency rate of exchange and in the general rate of inflation, the housing allowance, in particular, is calculated under a number of different formulas. Some of these formulas more closely approximate the actual housing expense than others.

Since housing expenses make up a major portion of the service member's income, it is especially important to insure that they are computed accurately and adjusted in a timely manner.

The "normal" housing allowance system in effect at most overseas locations requires annual surveys of members living on the local economy. The survey records rents, initial occupancy expenses, and utility costs. These are averaged for each pay grade, and housing allowances are set up to make up the differences between basic allowances for quarters and the average expense. As a result of the averaging, some members in a given grade draw housing allowances greater than their expenses and some draw less than their expenses. Further, annual reviews of housing expenses do not account for rapid changes in the exchange rate such as has been experienced during the last year with the fall of the dollar on the world market.

Several special systems have been designed for specific overseas areas to prevent the overpayments and underpayments resulting under the "normal" allowance system.

When military personnel secure off-base housing in Tehran, Iran, they must check with military housing officials to see if the proposed rental charges and the conditions of the quarters are justified, based on the individual's grade and family composition. If local housing officials approve, the individual can draw the difference between the BAQ and the actual rental expenses. The allowance is decided on a case-by-case basis.

The Air Force is testing a "five-tier" housing allowance program to combat the high cost of off-base quarters in the area around Yokota Air Base in Japan. Under this system, the range of rents paid by officers and enlisted personnel is divided into five segments (or tiers). The housing allowance is then determined depending on which tier the member's rent falls in. The higher tiers result in a larger housing allowance.

I believe that a system similar to the five-tier method used by the Air Force at Yokota Air Base or the actual expense method used in Tehran, Iran, would more accurately compensate our service members, particularly those in the low pay grades, for housing costs.

If we expect young men to make the military a career, we must make absolutely sure that they are adequately compensated for their efforts and sacrifices. We cannot expect military personnel to stay in the service if they cannot maintain an acceptable standard of living. To this end, I introduced a House resolution yesterday, House Resolution 1134, that would encourage the Department of Defense to implement a system of housing allowances outside the United States computed on an "actual average expense basis by grade." Although this type of system would be more cumbersome to administer, I think that this would be a small cost to incur to insure equitable treatment of our most junior personnel.

THE AGING VETERAN POPULATION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. ROBERTS. Mr. Speaker, the administration is proposing that during the next fiscal year, the Veterans' Administration close 3,132 operating beds in various hospitals throughout the country. I have notified every Member where these beds are scheduled to be closed.

According to a recent study conducted by the Veterans' Administration, there were 1.15 million veterans between the age of 65 and 70 years. The number will about double by 1980—2.22 million. By 1985 the number will have increased to 4.10 million veterans.

Is this a time to be closing beds? Is not the demand for inpatient and outpatient care greater than ever before?

The answer is obvious, Mr. Speaker. Many World War II veterans have reached the age where their medical needs are increasing. The aged veteran is subject to a number of health problems which are characteristic, and are related to age or the aging process.

According to the VA study, currently, veterans comprise 45 percent of all American males over the age of 20 years. Because of the large number of veterans of World War II and the Korean war, by 1990 more than half of U.S. males over age 65 years will be veterans, and by 1995 veterans will exceed 60 percent of the total. It is important to bear in mind that veterans will comprise the major portion of the male aged population for the remainder of this century. To the veteran, the VA is a comprehensive health service resource provided as a prepaid benefit and available as eligibility is achieved. It represents a catastrophic or last resort source of care for thousands of needy veterans throughout the country.

It is for these reasons that veterans everywhere are questioning our budget priorities. They seek answers as to why in fiscal year 1979 the Office of Management and Budget is requiring the VA to close 3.132 hospital beds at a time when bed demand by World War II veterans is rapidly escalating. If VA study results show that within the next 2 years our aged veteran population between the ages of 65 and 70 will have doubled since 1975, does it make sense to start closing beds?

Mr. Speaker, I can understand OMB's desire to reduce the budget deficit. I can understand the Budget Committee's desire to reduce the budget deficit. I want to reduce the budget deficit. I am simply asking why should we do it at the veteran's expense? It is a question of priorities and apparently to some people benefits and services for war veterans and their families do not rate so high. Let me cite an example. The administration is proposing more than a billion dollar increase in education programs administered by HEW—much of it going to individuals whose family income exceeds $30,000 or $40,000 per year. Yet, not a penny is proposed by the administration to offset inflation for those going to school under the GI bill.

The President's foreign aid budget request represents major increases in bilateral assistance and in contributions to international financial institutions; yet, the administration proposes to terminate research programs in more than 50 VA hospitals this year.

The President recommended $250 million to fund the controversial Legal Services Corporation. The Budget Committee increased the amount by $50 million; yet, it did not include enough in its first resolution for cost-of-living compensation increases for service-connected disabled veterans; cost-of-living increases for our needy, elderly disabled veterans drawing pension and DIC benefits; and cost-of-living increases for Vietnam veterans going to school under the GI bill.

The administration dropped more than $200 million in VA construction projects from the 1979 budget. These projects have already been approved by Congress and preliminary plans are completed or will have been completed by September 30 for most of them. They are now "on the shelf" waiting to be funded. These projects are desperately needed to: First, help relieve the crowded conditions existing at most VA ambulatory care units and outpatient clinics; Second, provide more nursing home and extended care units for our aged needy veterans; third, provide additional clinical laboratory facilities to relieve the long waiting period to receive services; and fourth, to relieve the critical parking situation at several hospitals throughout the country. The timely construction of these projects could mean thousands of jobs for many unemployed Vietnam veterans out of work. The Budget Committee only increased the medical budget by some $50 million. Yet, the committee increased the funding for community and regional development by $2 billion to create more public works jobs.

Mr. Speaker, I propose that we include the funds for the construction of these VA facilities, and in doing so, eliminate the problems existing at so many VA medical facilities. At the same time, it will provide jobs for veterans and give them some hope for the future. It is the least we can do.

I hope we will review our priorities and make the necessary adjustments. Let is not forget those who fought and died for our freedom.

THE RELEASE OF JACOB TIMERMAN FROM THE PRISON OF ARGENTINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 30 minutes.

● Mr. CONTE. Mr. Speaker, I was elated to inform the House earlier today, of the release from prison of Mr. Jacob Timerman. Mr. Timerman has been incarcerated in an Argentine prison for over a year, while the government tried to substantiate the accusations made against him. Recently, I had the privilege of visiting Mr. Timerman in his prison cell, and listened to the events which befell this persecuted individual. Mr. Timerman was arrested at his home by a score of civilian-dressed, well-armed, men, who later turned out to be Army officers. Then the long ordeal began, where the government tried in vain to substantiate the weak accusations that Mr. Timerman was involved in some economic crime. The long, drawn-out events became what can only be described as a "Catch 22" situation, with the officials keeping Mr. Timerman locked-up until something that justified his arrest was discovered; the less that was "discovered," the longer he remained under lock and key. I truly believe that this situation would have continued indefinitely had the plight of Mr. Timerman not been made the focal point for world opinion. During my visit with Mr. Timerman, I outlined my efforts in his behalf to date, and assured him that I would redouble these efforts in order to focus the necessary attention on this example of political injustice.

Upon my return, I discussed this depressing case with the Argentina Ambassador to the United States. Additionally, I personally corresponded with the leaders of the Argentina junta, and discussed this injustice with my colleagues on the floor of the House. I have kept the pressure of the Congress and the concerned public on the appropriate officials to facilitate the release of this individual. Last Friday, the word was that Mr. Timerman was about to be released, due in part to the Argentine leaders realizing that his continued cruel incarceration would only serve to injure the Government's relationship with the rest of the free world. Yesterday, I received the good news, Jacobo Timerman has been released. His year-long suffering, and that of his family, is about to end.

Mr. Speaker, however, I have also learned that the Argentine officials are reportedly going to still persist in one act of continued cruelty. The latest information that I have received is that Mr. Timerman was released from his prison cell, but was placed under house arrest until the Government officially clears him of charges of economic crimes. This house arrest will place this persecuted individual in a highly dangerous position even with the security precautions the Government is instituting. Ever since his unsubstantiated arrest, Mr. Timerman has been the focus of numerous threats from the so-called right wing sympathizers. However, their attempts on his life have been frustrated due to the secure prison atmosphere. However, it now appears that Mr. Timerman will not be allowed to leave the country, thus he becomes a walking target for these extreme groups. This situation is most unacceptable and places all the economic accomplishments of the Government, as well as Mr. Timerman's own fate in serious jeopardy. By forcing Mr. Timerman and his family to remain in Argentina until the official public process of a hearing is completed by the Commission for National Patrimony, the officials are embarking on yet another form of injustice. I hasten to add that this situation will place the Argentina Government in the most vulnerable position, the same position Mr. Timerman will find himself in.

If anything regrettable should occur to either Mr. Timerman or his family, the consequences would be swift and punative to the up-to-now promising future for Argentina's political stability and economic prosperity. I believe I can state with a high degree of confidence, that any injury that befalls Mr. Timerman will result in the serious reconsideration of our preception and the resultant relationship with that country. Such a price is too high for one country to pay in order to detain one individual until he is "processed" merely for public consumption.

Mr. Speaker, I understand that the

docket for this hearing process is lengthy; however, I also understand that the exact order whereby an individual is scheduled to appear is flexible. I therefore strongly suggest that if the Argentine officials are so adamant in pursuing the public hearing procedure, that they schedule Mr. Timerman's hearing immediately, and allow him to leave the country on the same day.

The obvious, preferable answer to this volatile situation, is to forego the public hearing and allow Mr. Timerman and his family to leave Argentina immediately. Such a course of action will allow Mr. Timerman to elude the dangerous position incurred by waiting for his hearing process to occur, and also would allow the Government of Argentina to avoid an explosive situation. Such a course of action would be to the best interests of both valid concerns.

Mr. Speaker, I implore the Argentine officials to utilize the rational approach to this situation. Nothing can be served by detaining this individual while the slow, bureaucratic clearance process works its inevitable will. The time has come for the responsible officials to realize the serious, explosive nature of this situation and to allow Mr. Timerman and his family to leave in safety at the earliest possible time. Anything short of this prescribed humane action is not in keeping with Argentina's pledge to return to its people their basic human rights. Only "ill" can be served by this continued delay.

Mr. Speaker, I look forward to reporting to my colleagues of the safe emigration of the Timermans. Such a speech will give me great, personal satisfaction that "justice" as we know it is slowly returning to that great country—Argentina.

Thank you, Mr. Speaker.●

NO REDUCTION IN STATUS OF MAIL DELIVERY DURING 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN of Illinois. Mr. Speaker, last Friday, April 14, our new Postmaster General, William F. Bolger, gave me some good news concerning the future of Saturday mail delivery.

In responding to may letter of April 3 regarding the future of Saturday deliveries, Mr. Bolger indicated that there there would be no reduction in the present status of mail delivery during 1978, stating:

> With the press of other important matters, there will be no action taken in 1978 toward discontinuing Saturday mail service.

This is indeed good news. Postmaster Bolger's thoughtful and prompt reply to my inquiry and the overall tone of his letter encourages me to believe that he is off to a good start by showing a primary concern for the postal needs of the American people.

This attitude, combined with the recently passed postal reform bill (H.R. 7700), bodes well for the future of the U.S. Postal Service. Action taken by the House on H.R. 7700, culminating in its passage on April 6, would return to Congress policy and fiscal accountability controls over the Postal Service. I hope the other body will move soon to address itself to the problems of the Postal Service and support H.R. 7700 substantially in its present form.

Mr. Speaker, at this point in the RECORD, I would like to share with my colleagues the aforesaid correspondence:

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 3, 1978.

Mr. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR Mr. BOLGER: Congratulations on your recent appointment to the position of Postmaster General of the U.S. Postal Service.

Your new position carries with it a great responsibility to the public. It was to serve the public that the Post Office Department and, most recently, the Postal Service were formed. In light of this obligation to meet the needs of the American people, I hope that you will reconsider your predecessor's position regarding six day mail delivery.

In letters, in hearings, and in person the public has made clear their desire to see six day mail delivery continued and their unwillingness to accept the proposed reduction in service. In a post card poll in my district, 89% of the respondents indicated that they would not accept five day mail delivery, and at the Saturday mail hearing in my district, people were unanimously opposed to eliminating the sixth day of delivery.

As a member of Congress, it is my obligation to make you aware of my constituents' feelings. As Postmaster General, it is your obligation to be responsive to these feelings. I would greatly appreciate it if you would institute a new policy for the U.S. Postal Service—a policy of responsiveness to public needs and support for six day mail delivery.

Sincerely,

TOM CORCORAN,
Representative in Congress.

WASHINGTON, D.C.,
April 12, 1978.

Hon. TOM CORCORAN,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CORCORAN: Thank you you for your letter of April 3, concerning six-day mail delivery. I appreciate your good wishes on my appointment as Postmaster General.

I feel very strongly that we have an obligation to give the people and businesses of this country the postal service they want. It is their postal service, not mine. Likewise, it is also my responsibility to make clear to the public the costs associated with providing the level of service they want and what cost benefits would be obtained if certain changes in postal activities are made. Once these facts are known by the people and they elect to continue service levels and forego the savings involved then it is up to the Postal Service to render this service and raise the monies to fund it.

It is this type of reasoning that caused us not to make a decision on the subject of Saturday delivery and we will not do so until we are satisfied that we understand what level of postal service the people want and what price they are willing to pay for such service. We are currently trying to determine the answers to these questions.

With the press of other important matters, there will be no action taken in 1978 toward discontinuing Saturday delivery service.

Sincerely,

WILLIAM F. BOLGER,
Postmaster General.●

IT'S THE PEOPLE WHO GET HURT AS NEW YORK TIGHTENS ITS BELTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, as many of my colleagues are aware, the New York City Seasonal Financing Act of 1975 expires on June 30 this year.

Within the next 2 weeks, the Subcommittee on Economic Stabilization of the House Committee on Banking, Finance and Urban Affairs is tentatively expected to begin to markup H.R. 11753, the New York City Financial Assistance Act of 1978. Also before the subcommittee is the administration's draft proposal, the New York City Loan Guarantee Act of 1978. The exact schedule for the subcommittee will be influenced by assessment of the budgetary impact of existing and proposed labor settlements between the city and its unions.

Much has been written about the question of Federal assistance to New York City. Certainly, avid readers of the pages of the CONGRESSIONAL RECORD have had the benefit of many statements on the issue.

In the midst of the debate about labor contracts, loan guarantees, and pension funds, the human side of the New York City financial situation sometimes tends to get lost. Yet it is the individual on the street in New York whose life is directly affected by layoffs, transit cutbacks, and budgetary service reductions.

Ms. Susan Jacoby, a resident of the 18th district which I represent, graphically captured this human dimension of the New York City fiscal crisis in article which appeared in the Washington Post on April 16. In the interest of furthering understanding of the problems we New Yorkers face, I commend Ms. Jacoby's observations to the attention of my colleagues:

IT'S THE PEOPLE WHO GET HURT AS NEW YORK TIGHTENS ITS BELT

(By Susan Jacoby)

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.
Senator WILLIAM PROXMIRE,
Committee on Banking, Housing and Urban Affairs, Washington, D.C.

I see by my morning paper that New York City is, once again, in trouble with Washington. In a letter to our mayor, Mr. Blumenthal said New York has almost no chance of receiving loan guarantees from the federal government unless the city and its unions reach a "reasonable" labor settlement long before the expiration date of the union contracts. This short-circuiting of the normal collective bargaining process is supposed to give Sen. Proxmire and his colleagues time to consider the loan guarantee legislation. Unfortunately for New York, the Senator has said he doubts Congress will approve the guarantees with or without a "reasonable" labor agreement.

Words like "outrageous" and "incredible" have been floating around Capitol Hill since the announcement of a tentative pact that averted a New York City bus and subway strike scheduled for April Fool's Day. This "incredible" settlement guarantees the city transit workers a 6 percent pay raise over a two-year period, with thhe possibility of an additional 3 percent in cost-of-living in-

creases, to be paid for through increased productivity. No one is in a better position than the Secretary of the treasury and the chairman of the Senate Banking Committee to realize that such a settlement will not even begin to keep pace with inflation.

According to the Bureau of Labor Statistics, New York is the third most expensive metropolitan area in the country (topped only by Honolulu and Boston). In the fall of 1976, the Bureau set an "intermediate budget" for a family of four at $18,866. The comparable figure for Washington was $16,950.

In spite of what it costs to live here, New York's municipal workers—including the men and women who keep subways and buses running—are not "the highest paid in the nation." This accusation has been leveled so often and so loudly that it has achieved the status of a Big Lie.

In total compensation—which includes employer pension contributions, health insurance and overtime as well as basic salaries—New York bus drivers rank 6th among their counterparts in the nation's largest cities. Police officers and firemen also rank 6th, while computer operators rank 9th. The purchasing power of these workers is, of course, much lower because New York is so much more expensive than most other cities. When wages are adjusted to take the cost of living into account, a New York bus driver ranks 16th and a computer operator ranks 22nd.

Let's take a look at the maximum compensation for an ordinary white-collar municipal worker—a computer operator—in cities with more than half a million people. New York ranks 9th, with total compensation of $17,736. That includes an annual employer pension contribution of $3,776, and health insurance of $794. Just for the record, the computer operator receiving the biggest package, including a pension contribution of $4,901, works in Washington. His compensation totals $23,114.

You two gentlemen are, of course, familiar with these figures. They appear in a meticulous report submitted in December to Sen. Proxmire's committee by Program Planners, Inc. Program Planners is a highly respected New York consulting firm with clients that include businesses, unions and municipal governments throughout the country. The statistics in the report, current as of last December, are drawn from city governments, the Bureau of Labor Statistics, the Census Bureau and other appropriate federal agencies. The figures check out.

I mention the salaries of Washington bus drivers not because I think they are making too much but because I am tired of seeing the working people of New York—those who use city services and those who provide them—depicted as a bunch of big spenders and freeloaders. There has been a great deal of fire and brimstone surrounding the debate over New York's fiscal crisis by Washington officials who ought to know better. According to this line of thought, New York has sinned and been wasteful and New Yorkers must quit gorging themselves in order to be saved.

I don't think this misconception stems as much from ill will as it does from an understandable difficulty that arises when Washington residents try to envision daily life in New York. I spent half of my adult life in Washington, and I found when I moved to New York that there could scarcely be two more different cities within an hour's shuttle flight of each other. This difference was underlined for me by a conversation with a congressional aide before the April 1 transit strike deadline. "Of course a strike would hurt you," he said, "but you could double up in cars. After all, we got along in Washington before there was a subway."

This comment embodies a fundamental misperception of New York's daily reality. Washington, like most areas of the United States, is a place where nearly every middle-class person owns a car. New York is the only city in the nation in which substantial numbers of middle-class residents depend entirely on public transportation for access to jobs, schools and cultural institutions. If we all owned cars, business and traffic would come to a standstill on the island of Manhattan. Two million of us ride the subways every day. A transit strike is not merely an inconvenience in this city; it is a social and economic disaster.

The day before the transit strike deadline, I was trapped for about 15 minutes in a train beneath Lexington Avenue. The Lexington Avenue line, opened in 1904, is the oldest in the city; the wonder is not that the subway breaks down so often, but that it usually runs on time. As we were waiting for the train to lurch forward, a woman next to me began to cry. I thought at first that she was just afraid, a victim of the claustrophobia that hits some subway riders when a train is stuck.

But no, she told me, she was terrified that there was going to be a transit strike the next day. She lived in the Bronx and worked a 4 p.m. to midnight shift as a nurse's aide at a hospital in Brooklyn, an hour and a half subway commute from her home. She wept softly and said, "I'm supporting my three kids. Where will I find a car pool to take me home at midnight? The mayor says every city worker's supposed to be on the job, strike or not. How will I get there? What will I do if I lose a week's pay?"

The same sort of misconception that underrated the dangers of a transit strike has been applied to New York's overall fiscal crisis by most Washington analysts. Of course there has been (and continues to be) waste and mismanagement by the city—just as there is waste and mismanagement in federal agencies and large corporations. Bookkeeping gimmickry and overly generous labor settlements under the administration of former mayor John Lindsay and Comptroller (subsequently mayor) Abraham Beame were part of what led New York to the brink of bankruptcy at the end of 1974. The most important element in the crisis has not been as widely publicized. That is the steady decline in the quality of life for the middle class and for the "working poor" who aspire to middle-class status for themselves and their children. The decline is related to a complicated interaction of federal, state and city policies.

To avoid going bankrupt during the past three years, New York has made major cuts in city services. Those cuts have, ironically, fallen most heavily on the middle class and have contributed to a continuing erosion of the middle-class population and the city's tax base. The cuts have not merely gotten rid of excess fat; they have sliced to the bone and muscle of ordinary working people. Only millionaires are unaffected by a budget crisis that has cut 50,000 jobs from the city workforce.

Let me tell you about the human reality behind the statistics. In 1975, I met a girl I will call Sharon Ambrose while I was doing a story on her high school in Queens. Sharon, now 18, is black, bright and beautiful. She lives in the South Bronx, a destitute area that has been accurately compared to bombed-out Dresden after World War II.

It has long been the custom in this city for bright kids to take the subway out of their neighborhoods when they enter high school. In this respect, the subway is not only an instrument of geographical mobility but a source of and a metaphor for the social mobility that is essential to any great city. Sharon did not want to go to the high school nearest her home: It was too full of junkies and kids who were, as she put it, "walking around more dead than alive." So she chose to attend a school with safer halls and a better academic reputation. In order to get to and from the school, she spent approximately 2½ hours a day on the subway.

Between the beginning of 1975 and the spring of 1977, subway service was cut back 22 percent—a statistic which means more crowded cars and longer waits between trains. For Sharon Ambrose, the subway cuts meant she had to spend an additional 45 minutes a day commuting. A small inconvenience? It might be a small matter if Sharon lived in a safe neighborhood, but she lives near a subway stop where extra time spent waiting for a train means frightening extra exposure to crime. Sharon was especially scared because the guard in her local subway station was no longer on duty in the afternoon.

This is not the sort of story that gets told at congressional hearings. A bright girl is working hard to get out of the South Bronx and into college; she has to spend extra time traveling to and from school; she is frightened by the loss of a subway guard. This is the "fat" that has been cut out of the subway system.

Then there are the cuts in the schools. Frank D'Amico is the principal of a junior high school in Chinatown, where more than half of the students are children of immigrant families. As a result of changes in the federal immigration laws, a new wave of Chinese immigrants has quadrupled the population of Chinatown—from about 30,000 to more than 120,000—during the past decade. The new Chinese immigrants live in the buildings that were occupied by immigrant Jews and Italians 75 years ago.

Frank D'Amico grew up in an immigrant home on the Lower East Side and he chose to work in the schools of his old neighborhood. When I interviewed him in the summer of 1976, he had lost all but one of his Chinese-speaking teachers. He was dispirited, because he had encouraged his former Chinese students to return to the neighborhood and work with the new immigrant children.

When layoffs began, the young Chinese-speaking teachers were the first to go. "We say to these kids, 'Fulfill the American Dream, get an education, go to college, become a professional,'" D'Amico observed sadly. "Then they do all that, and they're working at a job that desperately needs doing, and they get laid off."

The teacher layoffs cast a particularly interesting light on what the budget crisis has meant to many middle-class professionals in New York. Last year, new federal funds became available to hire back some of the teachers. Notices were sent to 9,000 who had been laid off but only 2,500 were interested in returning. The teachers' union did a survey and found that substantial numbers of those who were laid off had simply left the city—some of them for better-paying jobs in nearby suburban school systems.

Before I introduce you to another human casualty of the budget crisis, I must provide you with some facts about one of the greatest institutions this country has ever produced: the City University of New York.

Today it is difficult for us to imagine how revolutionary it must have seemed in 1847 for a city to establish a tuition-free college. Around the turn of the century, when immigrants were sending their children to school in unprecedented numbers, there was no other city in the world where children of a comparable economic class could obtain a free higher education. Throughout this century, the free colleges of New York City continued to take the children of the poor and give them a chance to become distinguished scientists, scholars and artists. In 1974, in spite of the fact that many of its entering

freshmen were the graduates of a deteriorating elementary and secondary school system, the City University was still fulfilling its historic function.

The budget crisis has brought about an irreversible change. Tuition was imposed in the fall of 1976: $775 a year for freshmen and sophomores and $925 for juniors and seniors. Do those fees sound low? More than 74 percent of the students came from homes with incomes of under $12,000 a year. (Remember—that same year, the federal government set $18,000 a year as an "intermediate" budget for a family of four in New York.)

Since 1975, student enrollment has dropped by nearly 28 percent. During the same period, part-time enrollment has fallen by nearly 50 percent. This is an extremely significant figure, because the City University has always had an unusually high proportion of part-time students who are working adults.

Although nearly two-thirds of the remaining City University students receive some tuition aid from the state, there is almost no money available for part-time students.

One victim of cutbacks and tuition is Alice Capraro, a 42-year-old mother of four. I have known Mrs. Capraro (not her real name) since 1973, when I was writing a story on the formation of a small feminist group in her neighborhood in Brooklyn.

Mrs. Capraro's husband, Joe, is a construction worker. When she told him she wanted to go to college and become a teacher, he was all for it. He was making about $20,000 a year with overtime, their children were growing up and he understood his wife's desire for work of her own.

Then Joe Capraro got laid off. Unemployment in the construction industry—another product of the city's poor economic condition—is about 10 per cent. Joe Capraro has been out of work about half of the time during the past three years. Alice found a job as a typist with an insurance company to help pay the bills. She went on going to school part-time because it was free, she loved her classes and she still wanted to be a teacher.

In 1976, when tuition was imposed, Alice Capraro had to quit college. The family income had dropped to $12,000 a year and there was no extra money for her tuition. Alice looked into the possibility of financial aid and found there was no money for a middle-aged woman.

"I feel sad all the time, just cheated," she says. "Joe was even talking about going to school part-time—he saw how interested I was. It's like we were reaching for opportunity but no matter how hard we were willing to work, we couldn't have it."

It does not take a financial genius to figure out that the destruction of such hopes erodes the initiative of people whose efforts are vital to any true economic restoration of this city.

At some point during the next month, Sen. Proxmire's committee will consider a proposal to provide long-term loan guarantees for the city. The city's unions which have kept New York from going bankrupt during the past three years by massive investments in city notes from their pension funds, cannot continue to risk their money without the assurance that they will get it back. Millions of New York workers are worried not only about losing their jobs but about losing their future pensions.

The city is not asking for a handout—it is not asking for any money at all—but for a government backup while it puts its own house in order. A long-term guarantee for city notes would do what the city cannot do by itself: restore the confidence of private investors. I am sure there would be no controversy over this backing if Washington, not New York, were the economic capital of the nation. But historic circumstances have dictated that we have two capitals—Washington for government, New York for finance and culture. It should be as unthinkable for the federal government to let New York go bankrupt as it would for Congress to let the District of Columbia go bankrupt—as unthinkable as it would be for England to let London go bankrupt or for the Soviet Union to abandon Moscow.

The federal government has the right and the responsibility to demand strict financial accounting and better management in return for guaranteeing the city's notes. But I hope that legislators and federal officials will refrain from talking about "fat" in the city budget as though everyone in New York were a millionaire or a "welfare cheat."

Some of the budget cutting of the past few years has been nothing more than a new kind of bookkeeping gimmickry—this time, at the insistence of Congress and New York state officials. When you cut 50,000 jobs from the city payroll, it is obvious that both the state and federal governments are spending a good deal of money for social security, unemployment compensation and welfare to support the people who have, as they say in bureaucratic jargon, been "excessed." The city and federal government are, of course, losing substantial tax revenues when fewer people are working. It's a vicious circle: cut jobs and services to the middle class and you may balance the budget in the short run, but you speed up the loss of energy and money that is at the heart of the city's fiscal crisis.

I could go on, as bankers and city officials are prone to do, about the need to prevent New York from going broke because of the potentially disastrous impact on our image and our economic influence in the rest of the world. I could go on about the domestic economic consequences of collapse by a city that the rest of the country loves, hates and—above all—needs. I could go on about New York's past generosity to immigrants from the poorer areas of this country as well as from abroad.

All of these things are true, but they are not the main reasons why you should affirm the national government's stake in the survival of New York City.

You should do it because of Alice and Joe Capraro and Frank D'Amico and Sharon Ambrose. They are the kind of ambitious, hard-working people who built this city. They deserve better from you (and from their own city and state officials) than they have been getting. Give them something better and they will help restore the stability and economic vitality of this incomparable city.

Sincerely yours,

SUSAN JACOBY.

A CASE FOR ENERGY ALLOCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

● Mr. WHALEN. Mr. Speaker, when Department of Energy representatives briefed Congress last week on the department's proposal for a "standby emergency gasoline rationing plan," few people noticed. Only a handful of Members or staff were in attendance, little press coverage was given, and frankly, nobody cared.

The proposed plan would go into effect in an emergency energy shortage—upon Presidential declaration and congressional approval. Eligibility for a ration would be based on motor vehicle registration records maintained by State departments of motor vehicles. Car owners would receive an entitlement through the mail, which then would be cashed at a local bank for the actual coupons. State governments and the Department of Energy would receive ration reserves to be used for issuing hardship allotments.

The impetus for the rationing scheme is part of Public Law 94–163, the Energy Policy and Conservation Act, passed by Congress in 1975. Reacting to the then recent Arab oil embargo, Congress decreed that the United States would have an emergency gasoline rationing plan ready to take effect should a similar shortage occur. The DOE proposal responds to that mandate.

Although the shock of the Arab embargo, and the shortages and disruptions that it caused are virtually forgotten, the tenuous state of our energy dependence warns that the situation is not so distant. Violence in the Middle East, as we have seen so recently in Lebanon, could bring with it another cutoff of OPEC oil, which now supplies one-fourth of total U.S. energy demand. Such an embargo could come at any moment.

But the DOE plan is significant, not for its purpose in emergency situations, but for its use right now to reduce U.S. oil imports, to stem our growing balance-of-payments deficit, to support our falling dollar, and to ease inflation here at home. It is significant because it brings home the fact that rationing—or quotas, allotments, or allocation—is the most effective and most equitable means of reducing consumption.

I have favored, the "concept" of mandatory allocation as an alternative to energy price increases for a number of years. While this type of program is not included in the stalled National Energy Act, I still believe that if we are serious about conserving energy by reducing our usage, then rationing is the best way to achieve that goal. Rationing has three strengths.

First, it provides certainty in terms of quantities consumed. Inherent in a fuel allocation program is the simple guarantee that an ascertained amount of fuel will be used.

Second, rationing is not inflationary since no price increases are mandated. The administration of the program itself will not significantly contribute to inflation. Further, since mandatory allocations will effectively reduce our dependence on foreign petroleum, inflationary pressures will be eased.

Third, and most important, rationing will permit equitable distribution based on need, rather than ability to buy. No one contends that it will be possible to implement a perfect rationing system in a nation with 200 million people and massive industrial output. But, of all the alternatives for combating the energy crisis, rationing is the fairest.

The problem with gas rationing is its administration. Those who favor an allotment approach in theory, are taken aback by visions of bureaucratic entanglements, a U.S. black market in stolen or counterfeit coupons, or rampant speculation on energy supplies.

The importance of DOE's new emergency rationing program is that it does deal with the administration of such a plan. And, progress has been made and

problems have been solved. Although the emergency proposal only provides a crude organizational framework, it does demonstrate that an allocation plan could be rationally implemented and likely could be fine-tuned to work effectively.

The standby emergency gasoline rationing plan is just that—for emergencies. It is to be utilized when the United States must forcibly cutback on consumption.

The question is how close are we now to that point? How long can America go on consuming unreasonable amounts of energy at high inflationary prices before we admit that it is, in fact, an emergency?

Historically, rationing has been used only during time of war or national crisis. Yet, President Carter has declared America's energy problem "the moral equivalent of war" and our dangerous dependence on foreign energy supplies with its damaging effect on the U.S. economy indicates that we have a crisis.

No energy program will be worth its salt until it mandates reduced consumption based on predetermined quantities of fuel. Neither present energy law nor the new National Energy Act are equipped to carry out such a program. I argue they should be.●

WHEAT GROWER PRESERVATION ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, yesterday, I introduced legislation entitled the "Wheat Grower Preservation Act of 1978." In Great Plains wheat country, the grain producer is still in the midst of the worst economic crisis since the Great Depression.

As I have indicated to my colleagues in a personal letter following the defeat of the emergency farm bill, the economic conditions that prompted the recent farm movement remains the real issue and these conditions continue to exist. Today, the price of wheat in western Kansas is $2.66 at the country elevator. At the same time, a farm management association within Kansas State University has determined the current cost of production between $3.07 and $3.46 depending upon the farmer's operation. These figures are subject to considerable debate in farm country due to cost-of-production definition, evaluation and inflation problems. Suffice it to say, the market price for wheat remains depressed far below the cost of production and the situation has been made even more severe due to the current boxcar shortage resulting in grain price discounts to the farmer up to 15 cents a bushel.

Despite the threat of a Presidential veto in regard to the emergency farm bill, I believe the administration at least acknowledged this continuing economic problem when the Secretary of Agriculture said an increase in the wheat target price as much as $3.50 per bushel would be acceptable. Mr. Speaker, at this juncture some help is better than none.

In addition, without additional assistance, the grain producer has no real alternative or hope other than the much talked about grain reserve program. However, during the debate on the emergency farm bill what has been virtually ignored is that the reserve program is little more than a sophisticated form of price controls. As it stands now, wheat in the reserve can be released when the national average market price reaches $3.15. As cost of production estimates clearly show, that figure is well below what it costs many farmers to grow their grain.

For this reason, the legislation I have introduced would not only raise the target price and loan for wheat but also would raise to parity the price level at which reserves would be released.

I wish to point out that under the current system, the grain reserve release prices are tied to the price support loan level. As I indicated, in my bill the loan level is increased from the current $2.25 per bushel to $2.50. That would make the reserve release trigger $3.50 per bushel or at least close to cost of production estimates and it would allow hard-pressed farmers to make ends meet before the Government glutted the market with grain from the reserve.

In addition, my bill also raises the target price for wheat to $3.55 per bushel if the 1978 crop is 1.8 billion bushels or less and to $3.50 per bushel if the 1978 crop exceeds that figure. I believe these figures are in keeping with what the administration may accept.

Mr. Speaker, during the debate on the emergency farm bill many of my colleagues considered that legislation little more than an inflationary, consumer ripoff. I do not intend to "rehash" that debate except to say the worst enemy of the farmer is inflation. I do not think we can slow down and halt inflation by making the farmer a whipping boy. It has been the farmer who has suffered the most from inflation and whose economic problems are unprecedented.

I solicit the consideration of my colleagues in regard to this legislation. I wish to reiterate and underscore the fact the social and economic problems in farm country that brought the farmer to Washington in the first place have not gone away and over the short term will not go away without paying a tremendous human and economic cost that will have repercussions throughout our Nation.

CONSTITUTIONALITY OF CONTRIBUTOR DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

● Mr. RAILSBACK. Mr. Speaker, tomorrow when the House takes up H.R. 8494, the lobby disclosure bill, recently reported by the House Judiciary Committee, I plan to offer an amendment to require registered lobbying organizations to identify their major financial backers; that is, those who contribute $3,000 or more annually.

Those who oppose this type of amendment have raised concerns about the constitutionality of such a contributor disclosure requirement. To me, these contentions are simply unsupported by the holdings of the Supreme Court. To provide my colleagues with a better understanding of the constitutional issues involved and why I very strongly believe that the type of contributor disclosure called for in my amendment meets the criteria set out by the Supreme Court, I would like to place in the RECORD today immediately following my remarks a legal memorandum written by Kenneth Guido, the general counsel, and Ellen Block, a staff attorney at Common Cause:

THE CONSTITUTIONALITY OF REQUIRING THE DISCLOSURE OF THE IDENTITIES OF CONTRIBUTORS TO LOBBYING ORGANIZATIONS

(By Kenneth J Guido, Jr., general counsel and Ellen Block, staff attorney)

The Railsback-Kastenmeier amendment on disclosure of contributors to lobbying organizations requires the identification of each organization or individual who contributes an annual aggregate of $3,000 or more in dues or contributions which was expended in whole or part for lobbying communications or lobbying solicitations. Only organizations that meet the requirements of the Judiciary Committee bill, H.R. 8494, as lobbying organizations [1] *and* whose expenditures for lobbying exceed one percent of the organization's annual income are required to disclose the identity of their contributors. Even when the organizations qualify, the disclosure requirements may be waived by the Comptroller General if disclosure would violate the privacy of the contributor's religious beliefs or otherwise impose an undue hardship or expose the contributor to harassment.

The Judiciary Committee Report on H.R. 8494, H.R. Rept. No. 95–1003, 95th Cong., 2d Sess. 51–53 (1978), expressed concern about the constitutionality of requiring disclosure of the identity of contributors. It is our view, however, that the Judiciary Committee's analysis of the constitutionality of requiring the disclosure of the identities of large contributors to lobbying organizations contains three basic errors:

1. The Committee incorrectly states the constitutional criteria for requiring disclosure of such information;

2. The Committee makes an unwarranted distinction between making substantial contributions to a lobbying organization and supporting its lobbying efforts; and

3. The Committee ignores Supreme Court and other court decisions upholding the constitutionality of disclosing the identities of contributors to lobbying organizations.

I. The Proposed Amendment Fulfills the

[1] An organization is subject to the bill's registration and reporting requirements only: (1) if the organization retains a law firm, consulting firm, independent contractor, or an individual who is not an employee of the retaining organization, and pays the retained individual, firm, or organization more than $2,500 in a quarterly filing period to lobby on its behalf; and or (2) if one of more of the organization's own employees makes oral or written lobbying communications on all or part of each of 13 or more separate days in a quarterly filing period, or two employees each make such communications on all or any part of each of seven separate days or more and the organization spends in excess of $2,500 during the filing period to make lobbying communications.

Supreme Court's Criteria for Contributor Disclosures:

The Committee Report states that requiring the disclosure of contributors to lobbying organizations "is unwise constitutionally." Report at p. 53. It relies for this conclusion on the language of the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1 (1976). Unfortunately, the Committee's references to the *Buckley* case are extremely misleading, as the quoted passages do not refer to constitutional limitations on statutes requiring disclosure of contributions.

At pp. 52–53 of the Report, the Committee states that *Buckley* requires that "independent contributors . . . required to disclose must have given contributions earmarked for political purposes or authorized or requested by a candidate or his agent . . ." and that money disclosed under the campaign law, must be "solicited, given and expended for the clear and express purpose of electing or defeating an identifiable candidate." The portion of the *Buckley* opinion relied upon by the Committee in those passages does not deal with contributions to political organizations or committees; it deals instead with expenditures made by individuals or groups on behalf of a candidate, which the Court sharply distinguished from contributions to political committees. *Id.* at 78–79.[2]

This important distinction is distorted by the Committee, which incorrectly applies the constitutional considerations from the *Buckley* expenditure discussion to the matter of contributions to lobbying organizations. When the *Buckley* contribution discussion is applied, as it should be, it is clear that requiring the disclosure of contributors to lobbying organizations meets the constitutional test.

In *Buckley*, the Court summarized its holding as follows:

"We construed [contribution] to include not only contributions made directly or indirectly to a candidate, political party, or campaign committee, and contributions made to other organizations or individuals but earmarked for political purposes, but also expenditures placed in cooperation with or with the consent of the candidate. . . . So defined, "contributions" have a sufficiently close relationship to the goals of the Act, for they are ocnnected with a candidate or his campaign." *Id.* at 78.

Thus, in *Buckley*, the Court's discussion of contributions to a campaign committee, the portion of the election law most directly analogous to the issue of contributions to lobbying organizations, is ignored in the Committee Report.

In *Buckley*, the Court held that all contributions to campaign committees (groups that spend a significant amount—defined as more than $1,000 per year—to influence the outcome of federal elections) must be disclosed regardless of whether they are specifically earmarked for an electoral purpose. *Id.* at 78.[3] Similarly, the Railsback-Kastenmeier amendment only requires disclosure of contributions to organizations, which the committee has determined engage in a significant amount of lobbying. Consequently, lobbying organizations, like the political committees in *Buckley*, consist of only those lobbying groups which spend more than a threshold amount of lobbying.[4] Thus, contrary to the Committee's assertion, *Buckley* supports the disclosure of contributions to lobbying organizations that engage in more than a minimal amount of lobbying activity.

II. There is a Substantial Relationship Between Making Large Contributions to a Lobbying Organization and Supporting the Organization's Lobbying Activities:

The Committee has expressed concern that "there is no rational relationship between the mechanical formula used to trigger disclosure and the purpose that disclosure in general is supposed to serve: the disclosure of significant amounts spent to directly influence the legislative process." Committee Report at p. 53. Although the disclosure requirement is limited to "major backers" of the lobbying organization, the Committee felt that there was not a connection between the giving of money to a particular organization and the contributor's intent to influence legislation for which that organization might lobby.

The Committee, in focusing narrowly on the contributors' motives, has distorted the purposes for which disclosure is needed. Disclosure of contributors is necessary so that the public and their representatives can know whose interests are being represented by lobbying organizations. While the immediate source of the funds an organization expends for lobbying is its own bank account, the ultimate sources are the contributors to that organization. For the Committee to adopt the view that it is only necessary to require the disclosure of expenditures to ascertain the influences brought to bear on Members of Congress is to ignore the essential fact that lobbying organizations represent those from whom they receive their funds. It is these interests that the Railsback-Kastenmeier amendment seeks to disclose, a kind of disclosure which the Supreme Court, in decisions overlooked by the Committee, has consistently found to be constitutionally permissible.

III. The Supreme Court and Other Courts Have Upheld the Constitutionality of the Disclosure of Contributors to Lobbying Organizations:

In *United States* v. *Harriss*, 347 U.S. 612 (1954), the Court held that the compelling governmental interest in maintaining the integrity of the legilative process supported the disclosure requirements in the 1946 Federal Regulation of Lobbying Act, 2 U.S.C. § 261, *et seq.*, which included contributors' identities, against a claim that the act infringed upon First Amendment rights.

In *Harriss*, the Supreme Court reasons:

"Present-day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the Lobbying Act was designed to prevent.

'Toward that end, Congress has not sought to prohibit these pressures. It has merely provided for a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. It wants only to know who is being hired, *who is putting up the money, and how much*. It acted in the same spirit and for a similar purpose in passing the Federal Corrupt Practices Act—to maintain the integrity of a basic governmental process. *See Burroughs v. United States*, 290 U.S. 534, 545, 54 S.Ct. 287, 290, 78 L.Ed. 484." *Id.* at 625. (Emphasis added).

In upholding the Act's reporting requirements, including disclosure of the identities of contributors of more than $500 per quarter to lobbying organizations, the Court concluded that:

"Under these circumstances, we believe that Congress, at least within the bounds of the Act as we have construed it, is not constiutionally forbidden to require the disclosure of lobbying activities. To do so would be to deny Congress in large measure the power of self-protection." *Id.*[5]

The Supreme Court has recently confirmed this decision, in sustaining a state court decision upholding the disclosure of major contributors to lobbying organizations. In *Fritz v. Gorton*, 83 Wash. 2d 275, 517 F. 2d 911 (1974), *appeal dismissed*, 417 U.S. 902 (1974), the Supreme Court of Washington state, citing Harris, held that lobby disclosure provisions of the state's political reform measure which included the disclosure of contributors of more than $500 annually to a lobbying organization, were constitutional:

"[The political reform law] was created by the people for the expressed purpose of fostering openness in their government. To effectuate this goal, it is important that disclosure be made of the interests that seek to influence governmental decision making. Thus, the requirements of registration . . . and reporting . . . are designed to exhibit in the public forum the identities and pecuniary involvements of those individuals and organizations that expend funds to influence government.

"Informed as to the identity of the principal of a lobbyist, the members of the legislature, other public officials and also the public may more accurately evaluate the pressures to which public officials are subjected. Forewarned of the principals behind proposed legislation, the legislator and others may appropriately evaluate the "sales pitch" of some lobbyists who claim to espouse the public weal, but, in reality represent purely private or special interests." 517 P. 2d at 931.

The United States Supreme Court's dismissal of the appeal in *Fritz* operates as a decision on the merits, thus affirming the opinion of the Washington court.[6]

As these opinions make clear, the compelling governmental interest in making both the public and the legislators aware of the interests which lobbying organizations represent has been determined to outweigh the incidental infringements upon the First

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[2] Surely a provision requiring disclosure of those who give contributions to lobbying organizations should be viewed as analagous to one requiring disclosure of those who *contribute* to political committees, not those who *spend* money on a candidate's behalf.

[3] Only where money is contributed to a group other than a campaign committee (a group that spends less than $1,000 per year to influence the outcome of federal elections) does the Court require specific political earmarking before disclosure can be required. *Id.* at 80.

[4] It should be noted that, while under *Buckley*, it would be constitutionally permissible to require groups who do not spend the threshold amount to disclose the identities of those contributors who have earmarked their donations for lobbying, the proposed amendment does not go so far.

[5] The Court's reference to its own construction of the statute relates to the exclusion of mere public issue debate from the scope of the statute's registration and reporting requirements, 347 U.S. at 620–21. The Flowers-Railsback amendment would also exclude such activity from its definition of lobbying while including grassroots lobbying efforts.

[6] *See also New Jersey State Chamber of Commerce* v. *New Jersey Election Law Enforcement Commission*, Nos. A–199–75, A–350–75, A–366–75, Slip Op. at 8–12 (Super. Ct. App. Div. Dec. 20, 1977) ("No one in this case deprecates the important public interests served by reasonable legislative requirements of public disclosure of receipts and expenditures in the twin areas of elections and lobbying.")

Amendment rights of speech and petition. Similarly, in upholding campaign finance disclosure requirements in *Buckley* v. *Valeo*, the Court noted the potential threat to First Amendment rights inherent in disclosure statutes, but nevertheless acknowledged that:

"[D]isclosure requirements . . . appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist." *Id.* at 68.

The Committee Report at p. 53 attempts to draw a distinction between the governmental interests to be served by campaign finance disclosure and those served by lobby disclosure. As stated above, any such distinction is artificial, for the Court has declared, in similar language, that both kinds of disclosure ultimately serve the purpose of insuring the integrity of "basic governmental processes," the electoral and legislative processes. *See Harriss, supra* at 625 and *Buckley, supra* at 66–68.

Just as the campaign disclosure provisions upheld in *Buckley* were narrowly drawn so as to constitute the least restrictive means of achieving a compelling governmental interest, so the Railsback-Kastenmeier amendment is equally narrowly drawn. The proposed disclosure requirement does not require a lobbying organization to disclose its membership list. Only major contributors must be revealed. While large contributors are no less subject to the potential chilling effects of disclosure than are small contributors, *see* Committee Report at p. 53, the interests in disclosure are more compelling for the former than for the latter.

In addition, only large contributors to organizations actually engaged in lobbying are affected by the amendment. Contributors to organizations which are merely involved in attempting to change community sentiment without contacting or urging others to contact legislators are not affected. *See United States* v. *Rumely*, 345 U.S. 41 (1953).

Finally, and very importantly, the amendment explicitly provides for a waiver of the disclosure requirements under certain circumstances of religious privacy, undue hardship, and potential harassment. This provision embodies the Court's concern for personal and religious privacy by incorporating the standards set out in *Buckley, supra* at 74.

IV. *Conclusion:*

While the Supreme Court has been, and should be, protective of the First Amendment right to associate by joining advocacy groups, *see, e.g., NAACP* v. *Alabama*, 357 U.S. 499 (1958), it has specifically upheld the validity of statutes requiring the disclosure of contributors in the political arena. The disclosure of significant contributors to lobbying organizations is essential for the electorate and governmental officials to be fully informed as to whose interests the organization is espousing. As the Court has noted in the *Harriss* and *Buckley* cases, the disclosure of contributors to lobbying organizations serves the same purpose as the disclosure of campaign contributors and does not unconstitutionally infringe upon First Amendment rights.●

FEDERAL GUN CONTROL BY THE BACK DOOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 5 minutes.

Mr. BAUMAN. Mr. Speaker, every one of us in this Chamber today share a concern that transcends all political alinements and philosophical positions. That concern is with the increase in the rate of violent crimes against innocent citizens in every part of this country. In spite of the determined efforts of law enforcement personnel, from the ranks of local police all the way through to the Federal authorities, the crime rate nationwide continues to spiral ever upward.

For this reason, I find it particularly perplexing that the advocates of more restrictive gun controls continue to seek new methods to implement their proposals on the Federal level. I am perplexed by these continuing efforts because gun control does not equal crime control. Registering the firearms of the innocent will not halt the violence of the guilty. Quite to the contrary, history, logic and commonsense all suggest that more restrictive gun control will serve only to make it that much more difficult for the innocent to protect themselves, their loved ones and their property.

New York City has for many years tried to enforce the Nation's toughest gun control statute, the famous Sullivan Law. In spite of the law on the books and the determination of New York authorities to enforce the law strictly, criminals in New York City are probably among the best armed and deadliest in America. Criminals by definition care not one whit for what the statute books say about the ownership of firearms. We do not call them "criminals" because they observe and respect the laws, but because they willfully violate the laws. To conter d that a new, more restrictive gun control approach will result in the wholesale conversion of criminals to a new-found respect for the law, even Federal law, is to draw upon a kind of logic "reason knows not of."

In addition to the history of New York's efforts to control firearms, the history of other localities in regard to this issue denies the contention of the gun control lobby that their proposals will reduce the crime rate. Since passage of the Federal Firearms Control Act of 1968, the national homicide rate has skyrocketed. Consider also the results of an innovative program attempted in Baltimore in 1974. That city offered to purchase firearms in an effort to get the guns off the streets. After several weeks of intensive publicity about the program, it was revealed that the number of gun-related murders actually rose by 50 percent during the program's existence.

It is my view that no gun control program, short of total confiscation of all private firearms such as is characteristic of totalitarian regimes, has ever or will ever operate as effectively as the advocates of such laws claim would be the case. Unfortunately, in spite of the facts and all logic, the gun control advocates are with us still and show every sign of having resolved to be with us until they have their way. Only now, instead of seeking to impose their will through the Congress, which seeks to represent the people and which has so often rejected gun control bills, the advocates now want the Federal bureaucracy to decree their proposals by executive fiat.

On March 16 of this year, Richard J. Davis, Assistant Secretary of the Treasury for Enforcement and Operations, announced the proposal of new firearms regulations which, if implemented, would amount to the creation, by bureaucratic regulations, of a national firearms registry.

These proposed regulations, published in the Federal Register of March 21, would require all federally licensed firearms dealers, manufacturers and importers to file quarterly reports on the production, acquisition and disposition of all firearms connected with their respected businesses with the Bureau of Alcohol, Tobacco and Firearms of the U.S. Treasury Department.

The introduction of this reporting requirement would amount to the creation of a national gun registration system, even though congressional history indicates that one of the two Houses of Congress or a committee thereof have specifically rejected Federal gun registration 13 times in the last decade.

On April 11, John M. Snyder, director of Publications and Public Affairs for the Citizens Committee for the Right to Keep and Bear Arms, of which organization I am honored to be a congressional adviser, and Morgan Norval, national director of the Firearms Lobby of America, met with Assistant Secretary Davis and his Special Assistant, Catherine Milton, and indicated that the proposed Treasury antigun regulations conflicted directly with publicly expressed congressional intent in this matter.

Mr. Snyder informs me that Secretary Davis simply denied that this recent Treasury action was in fact a gun registration scheme. Davis did admit, however, that the records kept by the Treasury Department, if the proposed regulations take effect, could be used by agents of the Bureau of Alcohol, Tobacco and Firearms to trace purchasers of firearms through the dealers' quarterly reports. During a later conversation with a member of my staff, Ms. Milton also acknowledged that the addition of private purchasers' names to the proposed regulations "was considered" before publication on March 21 and that such an action would be the next logical step in the computerized system.

Snyder's meeting with Davis and Milton would seem to confirm a fact which we in Congress have long been aware of; namely, that Federal bureaucrats, with no authority from the people or from Congress, continually seek to harass multitudes of law-abiding citizens of this Nation with more and more onerous and burdensome rules and regulations. Undoubtedly, it will be claimed that these rules and regulations will assist law enforcement personnel in their efforts to track down murderers. I would like to believe that, however, I do not see how a Federal computer in Washington, D.C., is going to help police in Los Angeles to track down the killer of an innocent person when the criminal used a gun illegally manufactured in New York and smuggled, again illegally, into California.

American citizens have until May 22 to protest these latest attempts to impose massive new restrictions on the

right to keep and bear arms. Letters should be addressed to Mr. Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20026. Before writing, I would encourage all citizens to examine the fact sheet on these regulations which follows my remarks. Prepared by the staff of the Institute for Legislative Action of the National Rifle Association, the fact sheet demonstrates that the proposed regulations will only cost the taxpayers more millions of their hard-earned tax dollars while doing little to improve existing crime fighting capabilities among our law enforcement personnel.

The fact sheet follows:

NRA FACT SHEET—TREASURY DEPARTMENT PROPOSED FIREARMS REGULATIONS

The U.S. Department of the Treasury has published regulations (March 21 *Federal Register*) to establish a national computerized central firearms registration system.

The regulations, if allowed to go into effect, would require all transactions of all firearms within existing Federally licensed commerce to be reported quarterly to the Bureau of Alcohol, Tobacco and Firearms. Reporting would cover all dealer sales to individual citizens, as well as all transactions between manufacturers, importers, exporters, wholesalers, jobbers, distributors and dealers.

Based on BATF estimates of the 5.2-million new firearms in commerce in fiscal year 1977 and BATF claims that an average of four transactions occur before a dealer sale to an individual citizen occurs, the reporting requirements would conservatively total at least 25-million separate computer entries.

When used firearms are included in the equation, the number of firearms transactions which would be computerized would total between 35 and 40 million.

The system would require 688,000 quarterly reports yearly from 172,000 holders of Federal Firearms Licenses. BATF estimates that the paperwork costs to dealers would be $8-million yearly.

The Treasury Department claims that the startup cost of this massive system would run about $5-million, and, according to Assistant Secretary Richard Davis, funding would neither have to be appropriated nor authorized by Congress, but would be simply "re-directed" from existing BATF funding.

However, that $5-million estimate does not begin to jibe with past BATF firearms registration cost estimates. BATF Director Rex Davis has previously estimated a national handgun registration system would call for a $35 to $100 million startup cost, followed by $20-million per year in operational costs. This proposed registration by regulation would cover all firearms—rifles, shotguns, and handguns.

In both the March 16 Congressional and public briefing on the proposals, Richard Davis, Assistant Secretary of the Treasury declared that the regulations would give BATF authority to call in and computerize all existing Federal form 4473's (which list the name and address of each firearms purchaser) which have been filled out by individual firearms buyers since enactment of the 1968 Gun Control Act. Secretary Davis qualified that declaration in the Congressional briefing by saying that such an action today would be "politically unrealistic."

Assistant Secretary Davis's predecessor, David R. MacDonald, told Congress during 1975 House Judiciary Committee hearings that Treasury should not act to centralize existing dealer records without Congressional authority. Also in 1975, BATF estimated they could trace a firearm in 27 minutes under the existing recordkeeping system if it is a "priority". There can be no justification for the proposed centralization other than expansion of bureaucratic authority and a desire to in fact register firearms.

Although Treasury says the reporting requirements do not include the names and addresses of individual private firearms purchasers, officials maintain they can easily obtain such information under the proposed regulations with a telephone call from BATF to the dealer making such a sale.

The regulations would also order institution of a new "unique" system of identifying firearms with a common 14 digit serial code. With this serial number, which would be required for all firearms manufactured after the regulations are placed into effect, the BATF could computerize information as to make, model, barrel length, caliber and individual number of all firearms. With this information, the Treasury Department could locate the purchasers of any firearms or category of firearm it might declare prohibited in the future. BATF estimates that the cost to consumers would be $5 million for retooling.

Other provisions in the regulations include redefinition of import and export regulations (a detailed summary of this provision will follow), and a requirement that all firearms lost or stolen while in Federally licensed commerce be reported within 24 hours of discovery. Failure to record or report such loss or theft to the satisfaction of BATF would be a felony, punishable by 5 years in prison, and a $5,000 fine. In many instances, the failure to report a theft of a firearm could exact a far harsher penalty on a dealer than on the thief.

There are literally no provisions of these regulations which can be supported by the National Rifle Association, its membership and affiliates.

During the debate of the 1968 Gun Control Act, the issue of national gun registration was raised and soundly defeated by better than a 2 to 1 margin. Since that time, Congress has rejected all national gun registration schemes ,which have been proposed. Clearly, Congress has refused to give the firearms control bureaucracy this authority.

This proposed regulation—whether called registration or "reporting"—amounts to the same thing: centralized national firearms registration. It is the very clear policy of the National Rifle Association that we are unalterably opposed to firearms registration at any level of government.

(Printed in the March 21 *Federal Register*, the proposed regulations will be open to public comment until May 22, 1978. Comments must be submitted in *duplicate* to: Director, Bureau of Alcohol, Tobacco and Firearms; Washington, D.C. 20226; Attention: Regulations and Procedures Division.)

DICKEY-LINCOLN SCHOOL LAKES HYDROELECTRIC PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 15 minutes.

Mr. COHEN. Mr. Speaker, one of the most important decisions facing the Congress this session is to decide the fate of the proposed Dickey-Lincoln hydroelectric project. As many Members of the House know, this project has a long and controversial history dating back to 1965 when it was initially authorized.

The Army Corps of Engineers and the Department of Energy have now filed the long-awaited draft environmental impact statements on Dickey-Lincoln. These extensive documents clearly provide the Congress with the requisite information upon which to base an informed and responsible decision on the project. I believe that the evidence presented in these statements demonstrates beyond question that the projected benefits of building Dickey-Lincoln are far outweighed by the environmental, economic, and social costs of the project.

On April 12, I appeared before the House Public Works Appropriations Subcommittee and requested that no further funds be provided for Dickey-Lincoln. I am inserting my testimony in the RECORD so that each Member of the House will be fully apprised of my reasons for opposing construction of the dams. My testimony follows:

STATEMENT OF CONGRESSMAN WILLIAM S. COHEN

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to comment on the President's budget request for fiscal year 1979. I would like to begin by discussing the request for the Dickey-Lincoln School Lakes hydroelectric project.

As the members of this subcommittee know, the Dickey-Lincoln project has a long and controversial history dating back to 1965 when it was initially authorized. Post-authorization planning and design for the project were initiated in late 1965, and continued until late 1967 when activities were terminated due to lack of additional appropriations. A total of $2,154,000 was spent on this earlier effort.

In 1974, the energy crisis stimulated renewed interest in the Dickey-Lincoln project. With the support of this subcommittee, Congress approved funds for resuming planning and design. Since the fall of 1974, a total of $6,640,000 has been appropriated for the project, with the bulk of these funds earmarked for the completion of an environmental impact statement (EIS) as mandated by the National Environmental Policy Act of 1970.

Separate draft environmental impact statements (DEIS) have now been filed by the Army Corps of Engineers and the Department of Energy. With this information in hand, the Congress is now in a position to make an informed and responsible decision on the future of this controversial project. I fervently hope that the decision will be to terminate the project by rejecting the Administration's budget request for fiscal year 1979 for $1,756,000 for advance engineering and design, as well as any future requests for funding.

Mr. Chairman, the case against building the Dickey-Lincoln project is overwhelming. An objective review of the draft environmental impact statements can only lead to one conclusion: the economic, environmental and social costs of the project are too severe to justify its construction. Let me catalog for the subcommittee some of the project's most significant adverse impacts:

Construction of Dickey-Lincoln would severely erode the forest resource base of Maine. Nearly 111,000 acres of prime forest land would be taken out of commercial production, and another 196,400 acres would be effectively isolated from Maine by the lake created during construction. One report estimated that the expected income losses in Maine's forest economy as a result of the Dickey-Lincoln project would approach $1 billion.

278 miles of free flowing rivers and streams plus 30 lakes and ponds would be permanently destroyed by Dickey-Lincoln. In the words of the Regional Administrator for the Environmental Protection Agency, "there can be no more profound alteration of a free flowing river system than to impound 287

miles of its most significant reaches under 88,000 of flat water. The ecosystem of the free river is destroyed and replaced by an impoundment." The Regional Administrator also correctly noted that the excellent brook trout fishery in portions of the St. John River will be eliminated, and the wildlife under the impoundment totally destroyed. Finally, the recreational potential of the area will be permanently altered from a high quality fishery and national recognized wild river canoeing resource to a flat water lake with an unattractive shore line.

An estimated 161 families and 16 commercial facilities would have to be relocated as a result of the project. Unavoidable economic, physical, pyschological and social hardships would inevitably occur, and destroy the sense of community which now exists in the affected area.

Construction of Dickey-Lincoln would have a major lasting negative effect on the esthetics of this distinctive region. The visual quality of this portion of the St. John River Valley would be lost forever. The effects of construction would scar the region permanently.

The cultural resources of the region would be adversely affected by the project. Salvage of known archaeological and historical sites would be required to mitigate a total loss of these irreplaceable resources.

Some price inflation is likely to occur in the affected area due to the large infusion of funds into the economy during construction. Additionally, it is possible that municipalities which expand services to meet short-term needs during construction would not be fully compensated for these efforts. This could spell a tax increase for the permanent residents of the area.

According to EPA projections, the water quality of the impoundments will be poorer than that of the river and other comparable lakes in Maine. It is possible that violations of federal water quality standards will occur both during and after construction.

Critical as these findings are, there are additional factors which lead me to conclude that we should pursue other less costly and less damaging alternatives than the Dickey-Lincoln project. Not the least of these factors is the economics of the project.

At March 1977 price levels, the minimum federal investment required to build Dickey-Lincoln would be roughly $757.5 million, using a 3¼% interest rate which is clearly unrealistic. Given the fact that the actual costs of money for projects such as Dickey-Lincoln now approach 7%, coupled with the inevitable inflation and cost-overruns which would occur during construction, it is not unreasonable to conclude that the project, if built, would cost the federal government as much as $1 billion. For $1 billion, the federal government would be building a project which will provide only about 1% of New England's power needs in the middle of the next decade. By anyone's definition, that's mighty expensive energy. It is also a gross misallocation of federal tax dollars—dollars which are becoming increasingly scarce.

Mr. Chairman, it is particularly crucial that the impressive-sounding figures about Dickey-Lincoln's energy potential be carefully scrutinized. According to the draft environmental impact statement prepared by the Army Corps of Engineers, the project has the potential to replace 2.3 million barrels of oil annually. But by the year 1985, a year before Dickey-Lincoln would be completed, the United States will be consuming an estimated 25 million barrels of oil each day. In other words, the power Dickey-Lincoln would produce in a year would amount to little more than two hours' worth of our national needs.

For Maine, the measurable economic benefits of the Dickey-Lincoln project outweigh the costs by about $53 million over the 100-year lifetime of the project, according to a report prepared by the Commissioner of the Maine Department of Conservation. This amounts to about 50 cents per year in benefits for each living Maine resident for the life of the project. I feel confident that the vast majority of Maine citizens would prefer to forgo the 50 cents in benefits to keep the St. John River Valley in its present state.

It is worth noting that at a public hearing in the St. John River Valley on the draft environmental impact statement, 90 percent of those testifying opposed the project.

An additional important consideration which prompted me to oppose the Dickey-Lincoln project is my belief that there exist alternatives to the project which are less costly in all respects. As the Environmental Protection Agency observed in its comments on the draft environmental impact statement, "the peaking power segment of our energy demand is clearly the element which is most responsive to various load management and pricing alternatives." Dickey-Lincoln is, first and foremost, a peaking facility.

A recent Bangor Daily News editorial weighed the costs and benefits of conservation against those of Dickey-Lincoln. It is instructive to summarize the editorial:

"Assume that the $1 billion cost of Dickey were diverted instead to conservation by investing in $1,000 worth of insulation for each of 1 million homes. If the average savings for these 1 million homes was 500 gallons of fuel (about a third of what the average home in Maine burns annually), the total savings by investing in conservation would be 12 million barrels of oil per year. This is the equivalent of five times the energy output of Dickey-Lincoln. It also represents a savings of $250 million—enough to pay back the $1 billion conservation investment in just four years. A reduction in consumption of just 300 gallons of oil per home would work out to a savings of 7.2 million barrels of oil per year, or three times the annual output of Dickey-Lincoln. Even if the average home could save just 100 gallons of oil with a $1,000 investment, an unrealistically low figure, the total savings translated into kilowatt hours would still be equal to the expected output of Dickey-Lincoln, without the permanent loss of hundreds of thousands of acres of timberland. In addition, thousands of long-term jobs would be created in manufacturing and service industries, compared to the estimated 68 permanent jobs which would be created should the project be built."

Conservation is not the only attractive alternative to Dickey-Lincoln. Throughout New England, there are hundreds of existing small dams which can be economically put to work producing energy. In Maine, there are nine sites, excluding Dickey-Lincoln, which have a combined capacity potential of 675 megawatts and 1.3 billion kilowatt hours of energy annually. At current prices, these sites have the potential to save Maine consumers tens of millions of dollars in energy costs each year again without the massive destruction Dickey-Lincoln could cause. Our great forests in Maine and New England are yet another vast untapped source of energy for both home consumption and for powerplants. In Passamaquoddy Bay, we have the best potential site for a tidal power project in the United States.

Clearly, we do not face a choice of Dickey-Lincoln or nothing. We have viable alternatives which are less costly in every respect—alternatives which will preserve the natural resources options of future generations, rather than paying sole allegiance to the energy needs of today's society.

Mr. Chairman, in approving the necessary funds to complete the environmental impact statement on Dickey-Lincoln, the Congress said, in essence, let's give this much-debated project its rightful day in court. We have now fulfilled this obligation, and it's time to render a verdict. The funds requested by the President for Dickey-Lincoln are not needed to complete the environmental impact statement. To the contrary, these funds represent the initial commitment to construction—an action which is opposed by the vast majority of Members from New England.

Mr. Chairman, the citizens of Maine and New England expect and deserve a final decision on Dickey-Lincoln this year. No further studies are necessary, nor are they justified. The evidence has been presented, and the project has been found wanting. It's time to terminate Dickey-Lincoln and direct our attention to developing alternatives which are affordable and responsible. I look forward to working with the Members of the subcommittee in this critical effort.

THE CONTINUING DANGERS OF UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, last November 1, I took 30 minutes of the time of the House to discuss what I described as "the dangers of unilateral disarmament." At that time there was much concern and trepidation over information reported in the media concerning the levels to be proposed by the administration in the Defense budget for fiscal year 1979. Since this was to be the first comprehensive budget proposed by President Carter, it was viewed, and probably appropriately so, as a benchmark in gauging the direction of our defense capabilities for the next 4 years. At that time, the official proposals had not come to Congress. I reported my concern, however, at the low levels which the administration was expected to propose.

Just before the end of the year, Congress was given the administration's proposed budget for defense. In the view of many, myself included, it was even worse than the reports. Statements prior to and since its release that the administration would maintain a 3-percent growth rate in defense spending simply cannot be substantiated. This budget does not meet that goal—and 3 percent would be insufficient. In real terms, it increases spending for national defense by 2.7 percent, very little of it for modernization and procurement of weapons. People costs are the principal ingredient. In the words of the present Secretary of Defense, "The fiscal 1979 budget is an austere but adequate defense budget * * *." Austere is an optimistic word for this proposal.

As has been suggested on other occasions, however, perhaps it is not sufficient to analyze a defense budget, or any program, on the basis of funds allocated in previous budgets. It is more important to assess our needs based on the goals this Nation seeks and the commitments it must keep. We must have a national defense program adequate to meet the standards necessary to insure our security. Those standards, in

turn, can only be assessed on the basis of the threat to our national security from nations that seek world domination or who would change our way of life to one more compatible with theirs. Obviously the only real threat now is by the Soviet Union. An assessment of its capabilities, its improvements in technology, and increases in numbers of weapons by Russia should be a fair indication of what our Nation must do to meet the threat. As I said in my statement of November 1, "We do not need to keep step-for-step pace with Soviet military expenditures," but we must insure that our ability to protect ourselves both physically and economically is maintained.

Has the Soviet capability lessened or been enhanced? Have their outlays for armed forces been reduced? Everyone knows the answers. In the past 5 years the Soviets have achieved rough equivalence in strategic forces with the United States. In the past 2 decades the Soviet Union has virtually doubled its military spending. Their budget has gone up 3 or 4 percent each year since 1960, while ours has decreased to a level lower than it was 18 years ago. Years ago defense ceased to be the biggest spender in our Government. Inferior technology, by the Russians, heretofore the major factor keeping the United States in a position of superiority, is rapidly achieving comparability with our own. A report in U.S. News & World Report recently assessed the statement which Dr. William Perry, Under Secretary of Defense for Research and Engineering, made to the Congress on United States-Soviet technological comparison. The overall conclusion of the Pentagon study was that "our qualitative lead may have declined to the point where, in some cases, it may not offset the Soviet numerical superiority." Those areas where the Soviets presently equaled or have surpassed the United States include surface-to-air missiles, ICBM throw-weight, antimissile missiles, infantry combat vehicles, chemical warfare, antiship cruise missiles, mine warfare tanks, and the survivability of command/control/communications systems.

Given all of these factors, certainly well known to the President and the administration, what does this present defense budget propose to accomplish vis-a vis the Soviet buildup? In positive areas it proposes to beef up the NATO forces to a slight extent, adds substantially to the Army budget, begins procurement of the XM–1 tank, calls for continued procurement of the F–14 air superiority fighter. Overall aircraft procurement is up over $1 billion over fiscal year 1978. One billion dollars does not buy many first line fighters on today's market. On the negative side, the Navy's shipbuilding plans are reduced to levels which show a total lack of commitment to a Navy superior to all others on the oceans of the world. Instead of 30 ships as envisioned, we are left with 15. This disregards the fact the Russians are building 60 to 70 naval vessels per year.

The proposed budget calls for an overall drop of some 20,000 active military personnel, slashes away at Reserve forces, postpones timely development of important MX mobile missile, and calls for production of only one Trident ballistic missile launching submarine. The important new neutron bomb is left hanging in midair. The Russians are only a step away from a new submarine which will approximate the Trident in size and capability. With the strategic capabilities of the Soviet Union rising dramatically each year, the budget provides no funds for the Minute Man II upgrade program and does not increase by even one unit the number of available ICBM's.

Does such an overall program provide for the adequate defense of this Nation and our security? Listen to the Chairman of the Joint Chiefs of Staff, General George S. Brown in his report to Congress on the fiscal year 1979 defense budget:

> . . . In light of the extensive growth in the military capabilities of the Soviet Union, it is questionable whether what has been done is enough to assure the security and well being of our country in the coming years.

Recently the President seemed to be getting the message on what may be required for adequate defense of this Nation. His much-acclaimed speech at Wake Forest University was a tough and blunt statement of what U.S. intentions should be and the actions we must take while the Soviets continue to build up their forces. In my March 23 newsletter to my constituents I expressed satisfaction at the President's statement.

My article was as follows:

A Message the Russians Understand

At Wake Forest University in Winston-Salem recently, President Carter said the United States is determined not only to maintain a strategic balance with the Soviets but also is developing forces to counter any threats to our allies and our vital interests in Asia, the Middle East, and other regions of the world.

He stated further, "We will match, together with our allies and friends, any threatening power through a combination of military forces, political efforts and economic programs. We will not allow any other nation to gain military superiority over us."

This is a welcome statement. I applaud the President for his forthright stand. Regretfully, it is one that is long past due. It expresses an attitude which is not borne out in the current Defense budget, nor in the Defense budget for last year. Nevertheless, if vigorously followed through by appropriate action in the Administration and in Congress, it will again place our nation in position to earn the respect of the free world and to provide the leadership which is so desperately needed. Expanding areas of communist control throughout the world must be contained or countered.

The President's statement got the attention of the Soviets. It is language they understand. Their quick response through the Soviet News Agency Tass demonstrates their concern about the ability of the U.S. to be strong and to act strong, and our willingness to use procedures more effective than the meaningless notes which heretofore have been our characteristic response to Soviet aggression.

It is also very important that specific proposals for strengthening America's military defenses be taken now. Paper airplanes that school children manufacture from note paper are not formidable weapons. Speeches not backed by action are like paper airplanes.

Unfortunately, the Nation had to wait less than 1 week to find whether the President would back his words with action. On March 23 the administration revealed the long overdue 5-year Navy shipbuilding plan. It was intended to provide executive guidance to the Congress and the Nation on where our shipbuilding priorities belong.

To recapitulate, this year's budget proposal had cut shipbuilding in fiscal year 1979 from 29 or 30 ships to 15. In tough questioning the Secretary of the Navy told congressional committees that while this year's plan is lower than he would have preferred, it is a 1-year plan which he can live with. Asked about future years, the Secretary made it clear that additional years must see an increase in the shipbuilding plans. The number for the next budget has been estimated at 38 ships. Why not 30 this year? It takes years to build a modern warship. The administration's 5-year proposal? It will cut in half the Navy's previously stated requirements.

There are many experts who feel this program would reduce the Navy's ocean-controlling capability to a coastal protection role. In the face of an unabated Soviet shipbuilding program, this 5-year plan would provide 70 ships instead of the 156 envisioned by the Navy as critical to their needs. It reduces a previous goal of an 800-ship fleet in the 1980's to one of approximately 525 ships by the mid-1980's. There simply is no way to describe the plan as "adequate and realistic" or to feel that it would improve the Nation's ability to adequately deal with the Soviet threat. Fortunately, there are strong advocates of a more adequate program. They will provide more realistic plans when asked by the Congress for recommendations on the 5-year plan.

This is much more than a disappointing period for those of us who view the increasing Soviet threat with serious concern. It is a time when we must question the direction in which our defense capabilities are proceeding. One only has to review the lessons of the past four or five decades to see where this Nation could find itself in the not too distant future. World War I was described as the "war to end all wars." A generation of Frenchmen had perished in the conflict with Germany. No one in his right mind wanted to go through another war like that one. Yet, during the period of time from the signing of the Treaty of Versailles to the usurpation of power in Germany by Adolf Hitler, the allied nations had ample opportunity to prevent the second holocaust. But beginning with the peace treaty itself, the Allied nations consistently deluded themselves into believing that continued reticence in providing adequate armed forces would somehow invoke the same action in Germany. This policy did not prevent a war—it caused one. The delusion that peace is built through unilateral disarmament and the belief that opposing forces will show similar restraint is ludicrous. Nations throughout history have never ascribed to such a view and survived.

Winston Churchill provides an unmistakable lesson of the results of such folly in his incomparable narrative of World

War II, the first book of which is "The Gathering Storm." In describing the inactivity of the allies toward the continual German buildup, together with its ominous results he says:

There can hardly ever have been a war more easy to prevent than this second Armageddon. I have always been ready to use force in order to defy tyranny or ward off ruin. But had our British, American, and Allied affairs been conducted with the ordinary consistency and common sense usual in decent households, there was no need for Force to march unaccompanied by Law; and Strength, moreover, could have been used in righteous causes with little risk of bloodshed. In their loss of purpose, in their abandonment even of the themes they most sincerely espoused, Britain, France, and most af all, because of their immense power and impartiality, the United States, allowed conditions to be gradually built up which led to the very climax they dreaded most. They have only to repeat the same well-meaning, shortsighted behaviour towards the new problems which in singular resemblance confront us today to bring about a third convulsion from which none may live to tell the tale.

Commonsense today must tell us that our situation is deteriorating. When the Chairman of the Joint Chiefs openly questions our ability to defend our interests, what more do we need to hear? Until the Soviet Union ceases the escalation of the arms race, the United States must insure that our Defense Establishment is capable of maintaining our national security. Our forces must be adequate without question. They must be able to carry out and support our policies in all areas of national interest. Today's defense policies are invitations to disaster, perhaps not tomorrow or the next day, but somewhere in the years ahead, and not too far ahead.

John F. Kennedy summarized our national defense needs quite well:

The primary purpose of our arms is peace, not war—to make certain that they will never have to be used—to deter all wars, general or limited, nuclear or conventional, large or small—to convince all potential aggressors that any attack would be futile—to provide backing for diplomatic settlement of disputes—to insure the adequacy of our bargaining power for an end to the arms race.

It is highly regrettable that we continue in these dangerous times to be confronted by the dangers of unilateral disarmament.

FBI MISCONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized from 5 minutes.

Mr. GONZALEZ. Mr. Speaker, back in 1964 most Americans probably thought of the FBI as a completely honest, straightforward and uncorruptible organization. This was the image that was portrayed on the television screen in the "FBI" show, a program that was produced with the active cooperation of the FBI. Director Hoover and his staff were careful to assure that the TV program always portrayed his outfit as handsome, clean, kind, courteous, brave—and not least, well-dressed and cleanshaven.

But the truth was that the FBI was Hoover's private empire, and if he did not get the conclusions he demanded, there was a fearful price to pay. If Hoover thought that it was midnight at noon, woe betide the individual who dared tell him otherwise.

So it was that in 1964 Hoover finally received a contrite memo from William Sullivan, who proposed a program of action to discredit Martin Luther King and replace him with some "suitable" leader acceptable to the FBI. This was to be done by discrediting King's moral integrity, which was the foundation and basis of his whole movement.

Hoover replied, "I am glad to see that the 'light' has finally, though dismally delayed, come to the Domestic Intelligence Division." Hoover insisted that, "I struggled for months to get over the fact that the Communists were taking over the racial movement.* * *"

Eleven months later the FBI mailed an anonymous letter to King, which was nothing more nor less than old-fashioned blackmail. This letter indicated that the sender had information about King that would destroy him; King read it as an invitation to suicide.

But Hoover was not just interested in King; he wanted to know everything about anybody who took part in or supported the civil rights movement.

For instance, on the afternoon of November 2, 1964, the San Antonio FBI office sent a teletype marked urgent to Hoover, himself. What was this urgent message? It was this:

On night of November 1 last (deleted) East Side politician and active CORE member in San Antonio, Texas, held open house honoring Congressman Henry B. Gonzalez. (deleted)

This was also routed to Sullivan, who at that time was heading up Hoover's blackmail campaign against King. Further, this teletype was reduced into a memorandum which the FBI marked "Confidential" and either distributed or intended to distribute to other agencies. The evidence that it was in fact distributed is persuasive—but to whom and for what purpose I can only guess. But I believe that since Hoover wanted to discredit people he disapproved of, this applied to me as much as anyone else, and he thought that sending out a phony confidential item on me would convince someone that I was less than honorable. In fact, of course, the event I attended was open and public and no surprise to anyone and no more subversive than a family picnic. It just happened that Hoover thought it might be used against me somehow.

It was crazy for the FBI to use its resources in such a way, when it should have been concentrating on real threats to public safety, but that is clearly what happened. the FBI mindlessly obeyed the dictates of the Director, who could do no wrong, and who had no master save his own decaying self.

Have things really changed? I have yet to receive any assurance that the FBI will clean up the files it has gathered on me, and delete the slanderous references that are in those files. I have renewed my request with the new Director, and include that request with my remarks.

HOUSE OF REPRESENTATIVES,
Washington, D.C. April 17, 1978.

Hon. WILLIAM H. WEBSTER,
Director, U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C.

DEAR MR. WEBSTER: I received and have read with growing amazement the contents of FBI files maintained on me, personally.

It is clear that the FBI reflected the whims and prejudices of its Director, and that these were, in turn, registered in files concerning me.

For example, whenever I made remarks that were deemed offensive to the Director, so-called background statements on me would include comments such as "a recipient of Communist Party support in his election campaigns. . . ." At the time of my election to Congress, a memorandum to Cartha De Loach advised the Director not to send me a letter of congratulations, "in view of his backing by the C.P." Even before that, the FBI placed in my file newspaper clippings regarding my activity in behalf of civil rights and I cannot imagine any reason for this since nothing could have been less subversive than attendance at a NAACP meeting in Seguin, Texas. Nor can I imagine why the FBI would have been interested in such prosaic items as a Drew Pearson broadcast that predicted I would be elected to Congress.

While the FBI carefully labeled me as one who had received Communist support whenever it was felt the Director would be unhappy with me, it did indicate that there were "cordial relations" whenever it was believed the Director would be pleased with what I had said or done. Thus, the Director—like the naked Emperor—was always to be told what we wanted to hear. I cannot imagine a more insidious behavior by a Federal police agency.

You indicate, as the files do, that I had no knowledge of whatever supposed support I ever received from any Communist. Yet, time after time, the files reflect that the FBI disapproved of me on the grounds of this supposed report which even the files show I knew nothing about, never solicited, and would not have tolerated if I had known of it. Throughout the files these references are, indeed, statements that are subject to broad erroneous interpretation and which therefore ought to be struck. Further, I am entitled to a complete apology.

If evidence is needed that the FBI was subject to the making of personal remarks and observations, you need only turn to a memorandum of December 31, 1970, in which a member of my staff was characterized as "a louse." Solely because that assistant declined to provide information that the Bureau wanted in order to check out a critical comment included in one of my speeches. I inquire specifically of you whether you believe it accurate to characterize a staff member as "a louse" when I am certain that FBI files on that individual will show that he is entitled to, and has received, some of the highest levels of security clearances of our government.

These are serious matters and thus far I have received only cavalier treatment from the FBI concerning them. This is not the kind of justice that I believe in and it is assuredly not the kind of justice that the FBI is supposed to stand for.

I am entitled to and again repeat—expect—that my records will be cleared, that derogatory statements in them will be deleted, and that I will receive an apology both full and public.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

DEFENSE PROCUREMENT: A FIRST-CLASS RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

● Mr. CHARLES H. WILSON of California. Mr. Speaker, each year it is my pleasure to cosponsor, along with local chambers of commerce, a Federal procurement conference designed to acquaint businessmen and women in the Los Angeles area with the opportunities available to them through buying and selling to the Federal Government.

Featured at each conference is a prominent guest speaker who brings his own particular expertise and knowledge in the area of industry and Federal procurement procedures. This year, it was an honor to have as guest speaker, Dr. Allen E. Puckett, president of Hughes Aircraft Co. Dr. Puckett is a well-known and highly respected member of the industry. He has been in key management positions with Hughes for nearly three decades and has been honored on several occasions by his peers in the aerospace community. I am pleased today to submit for the review of my colleagues in the Congress a copy of Dr. Puckett's remarks at the conference. In addition, I would like to particularly make note of his comments on the success of defense procurement.

As he mentions, defense procurement is often cited as unnecessary and wasteful Government spending or as excessive profits for the defense industry. However, in comparison to other industries, aerospace and defense can take a great deal of pride in the strides they have made in the past 20 years.

The superior technical accomplishments of those years have not only strengthened our national defense effort, but have contributed to the economy in general—largely as a result of business participation in the procurement process.

Dr. Puckett's perspective on Federal procurement is sometimes lost in criticisms over high costs and error, but I urge all Members of Congress to take a close look at what he has to say on the beneficial relationship between Federal procurement in the defense area and the business community.

The speech follows:

FEDERAL PROCUREMENT

(By Allen E. Puckett)

Each year this symposium on Federal Procurement, sponsored by Congressman Charles H. Wilson, presents a remarkable opportunity for the business people of this area, whether they represent large business or small, to meet and exchange ideas on their problems and their opportunities. You have been, and will be, exposed to a large amount of detailed and technical information on the problems of doing business with the Government. No doubt many of you feel as I do—that I wish doing business with the Government were not so complex. I wish there were not so many rules and regulations—so many forms and reports to fill out. If everything else were equal, we might even prefer, on occasion, to do business with someone other than the Government. But everything else is not equal, and doing business with the Government, particularly in the area of national defense, offers some very remarkable opportunities for a very satisfying and rewarding participation in a very special segment of U.S. industry.

This symposium also presents an opportunity to look philosophically for a moment at the nature of the Federal procurement system, and at the role of both industry and Government in that process. The magnitude of the Federal procurement budget is indeed enormous by any standards. The Defense Department procurement, which constitutes the largest part, will be about $32 billion in the 1979 budget. I should really add to that the research and development budget of $12 billion, which is another special type of procurement, making a total of $44 billion. The only industry in the country which exceeds that volume is the automobile industry—and not by much.

The dollars that are spent in this procurement program are taxpayers' dollars—yours and mine. The dollars are authorized and appropriated by members of Congress—such as Charlie Wilson, who plays a very special role as a ranking member of the House Armed Services Committee. These men, and in turn the officials in the Defense Department who must supervise and administer the expenditure of funds, bear an awesome responsibility to protect the public interest. They must not only get the most mileage out of every dollar, but they often have the incredibly difficult task of making the selection of which programs to pursue and which to abandon in the best interest of national defense and within an affordable budget.

It should not be surprising therefore, and indeed as taxpayers we should welcome the fact that the Federal procurement system is a target of constant scrutiny by an endless variety of committees, panels, various agencies of the Government, as well as self-appointed unofficial critics. We have had one after another blue ribbon panels, committees on Federal procurement, and similar groups, each of whom has wrestled conscientiously and agonizingly with the problem of devising a perfect and foolproof system of managing Federal procurement. It should not be surprising that each new group or committee discovers some better way to do the job, and invents a slightly different system. Each system, of course, involves rules and procedures, decision points and forms to be filled out, checks and balances to minimize errors in judgment and to insure that the Government gets its money's worth.

This intensive and completely appropriate effort to protect the taxpayer sometimes creates another unintended effect—the appearance or the suggestion that the procurement system is in trouble. There are critics who lose no opportunity to allude to "wasteful Government expenditure" on the one hand, or "enormous and excessive defense industry profits" on the other hand. We hear references to the "military-industrial complex" as though this were some evil team of conspirators determined to fleece the American public. It is time, I think, to correct the record, and to look at the real facts regarding the industry in which we are engaged.

The fact is, in my opinion, that the Federal procurement system, particularly in the defense area, has been remarkably efficient and effective. In order to reach such a conclusion, we must examine the results in relation to the nature of the job to be done. We must ask whether any other segment of the American industrial community has undertaken more difficult tasks with better results.

The most important feature of the national defense procurement program is that the very nature of national defense presents problems that are at the very limit of human capability and ingenuity to solve. Our objective is to preserve the security of the United States, and that requires that our means and methods of defense must match or exceed the best that our potential enemies may possess. This is truly a competition which we cannot afford to lose. It is a competition which will not necessarily be won by vast expenditure of money and materiel, but which can be won by the exercise of superior ingenuity and technical skill. As a result, the defense industry has been challenged by some of the most difficult technical assignments ever undertaken in our modern society. We have come to expect as a way of life the establishment of technical goals which are at the edge of the impossible. We undertake as a normal procedure the incredible process of scheduling inventions, and trying to estimate the price of doing something that no one really knows how to do at all.

Let us look at a few of the achievements of the last 20 years—mind blowing accomplishments which not too long ago were literally presumed by many wise men to be impossible. At the end of World War II, the Germans had a crude ballistic missile with a range of a few hundred miles and almost no accuracy worth mentioning. Today our ICBMs fly thousands of miles across the ocean and arrive at a designated target with incredible accuracy. At the end of World War II, no aircraft had flown at supersonic speeds, and the "sound barrier" was still a mystery. Today, we have operational military aircraft routinely flying at supersonic speeds. At the end of World War II there were a very few experimental electronic computers—incredibly clumsy and expensive, using vacuum tubes and large amounts of power. Today, almost every device that we build for military use has an electronic computer imbedded somewhere in its insides. The computer may help guide an ICBM, or control an aircraft, or process logistics data, or control the functions of a communications system. You and I can buy a pocket-size electronic computer which provides essentially all of the functions of a roomful of computer equipment in the 1950s. Our pocket computer is about 100,000 times smaller, 10,000 times cheaper, and 10,000 times more reliable than that computer of the 1950s.

In the 1950s, the only satellite we knew of was the moon. Today we have literally hundreds of satellites in orbit around the earth—some providing communications, some observing the weather, and still others observing a wide variety of things on the surface of the earth. We design these satellites to operate for a period of three to 10 years in space—with no opportunity to make repairs or replace parts. Where 25 years ago "space" was simply a word in the science fiction books, today it is a commonplace part of our everyday life.

The great pressure for technical superiority has lead to all of these achievements in the defense area—as well as to many more. The technological advances that have emerged in these various programs have also found their way into many aspects of the civilian economy, and indeed have created new industries. All of these remarkable and useful results have come out of the operation of our Federal procurement system, for all its complexities and shortcomings.

Other results have emerged that are less visible, but no less important. As military equipment has become more complicated, the need for greater reliability in complex equipment has multiplied accordingly. The procurement system very properly has imposed on us increasingly difficult standards of quality and reliability in everything we make whether it be a small component or an assembly of thousands of parts. We have complained and agonized over new and increasingly rigorous requirements which we must meet, but somehow we meet the challenge. We are rarely as good as we would like to be, but it is a fact that the reliability

of our equipment today is far beyond our wildest dreams of the 1950s. The new methods of manufacture, quality control, and testing that are required to achieve these high standards have in turn reflected into new higher standards and better products in much of the civilian economy.

We have, of course, in this industry had our share of mistakes. We have occasionally attempted something which truly could not be done at all, or for which the technology was not yet ready. We have occasionally been overly optimistic in projecting time schedules or cost. I do not excuse or condone our mistakes—but I suggest that if we did not occasionally overreach, we might not be reaching high enough.

As another measure of our performance, perhaps we should look at other more conventional industries and inquire what they have achieved and how they have performed in the same time period. Let us consider the housing industry—home construction, for example, which is a subject familiar to all of us. I do not detect any dramatic breakthroughs in the last 20 years—in fact, home construction has stayed pretty much the same. One even hears occasionally such comments as "They don't build houses like the used to."—And that does not mean that they are better today. When we come to schedule and price, any new home owner today will describe to you at great length how completion was three to six months behind schedule, and price was 20 percent above the original plan. And yet the house contained no new inventions, no surprises, no item of hardware which could not be priced to within one percent at the local hardware store. I do not intend to single out the construction industry for any special criticism, but merely to suggest that in most of our economic dealings we are accustomed to something less than the perfection which we demand in the areas of federal and specially defense procurement.

The theme of this story, of course, is that at the same time that our procurement system is being scrutinized and often criticized, we—the industry and the Government—have much to be proud of. Our record, on the average, is one of significant achievement. We might pause occasionally, as the difficulties of our business surround us, to take some quiet satisfaction in what we have accomplished.

An important factor in this record, I believe, is the spirit of teamwork which has generally existed between small business, big business, and the Government. No doubt operators of small business occasionally regard their big business customer as demanding and difficult to work with. The big business customer on the other hand must regard small business as his partner and his team member. We cannot exist and work together with an adversary relationship. The problems of small business must become the problems of its larger customer. The survival and the success of small business are essential to the health of the larger companies which they supply, and in turn to the Federal Government which procures their products directly or indirectly.

In the same way, the relationship between all of industry and Government must contain an element of partnership and teamwork. The problems which we must solve are far too difficult ever to be attacked successfully by two adversaries, each of whom is concerned primarily with how to obtain some advantage over the other. It is sometimes suggested in certain quarters that any appearance of partnership between industry and Government is somehow dangerous and conspiratorial. I reject categorically that concept, and suggest instead that some sense of partnership must exist in order for us to survive at all. The representatives of the Government must protect the taxpayers by ensuring equitable dealings between industry and Government, but the minute we forget that we are partners working together for the good of our nation we will have lost our greatest strength.

Men of good will, with common objectives, have historically worked together in the solution of our defense problems and have still managed to deal fairly and equitably with each other in a business sense.

The American free enterprise system does not need to be, and in fact cannot be a competitive jungle with every player like a predatory animal struggling only for his own survival. The survival of each of us is best protected by the survival of all others who can contribute to our common goals. That is why both Government and big business must have special concern for the health and opportunities of small business and of minority businesses. That is why the relationship between Government and industry must have an underlying pattern of teamwork to maximize our chance of survival.

At the same time the best insurance that each of us in industry has for our own success is our ability to perform. It must be our ingenuity, our efficiency, and our dependability that makes us successful suppliers to the Government. We may expect to be surrounded from time to time by new and apparently burdensome Government regulations and procedures. We should consider their purpose before we complain. We should protest when we believe the Government is paying more for paperwork than for hardware. But above all we must remember the great burden of responsibility that rests on both parties, and we in industry must respond to the limit of our ability as a member of the team.●

VETERANS ARE CALLED TO ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CARNEY) is recognized for 5 minutes.

● Mr. CARNEY. Mr. Speaker, there is no man in the country more knowledgeable about veterans' needs, the laws concerning veterans' benefits and their administration, than the national commander of the Disabled American Veterans, Oliver E. Meadows.

As staff director of the House Committee on Veterans' Affairs for almost 25 years, Oliver played a major role in putting together every veterans' program implemented since World War II.

Oliver is a severely disabled veteran—having sustained his wounds in combat during World War II. When he says the VA medical system is in deep trouble, we all should listen. Members of the Disabled American Veterans, the American Legion, the Veterans of Foreign Wars, the Veterans of World War I, the AMVETS, and others are very concerned with funding levels being proposed by the administration and the House Budget Committee for benefits and services for veterans and their families. I certainly share their concern.

Commander Meadows recently issued a "Call to Action" in the April issue of the DAV magazine to all members of his organization. His comments follow:

CALL TO ACTION

If ever there was a time when all DAV and DAV Auxiliary members should act in unison to protect the VA medical system from sweeping, insensitive budget slashes, that time is right now!

If we don't take immediate action—every single one of us—we can be assured that the Administration and its Office of Management and Budget will further encroach on the scope and quality of VA health care we have earned the right to expect.

Right now a VA budget is being considered by the Congressional Appropriations Committees that would carve into the very muscle of the VA health care system with severe and damaging consequences. Of acute concern to us are cutbacks that would include:

Trimming 3,132 operating beds from the VA hospital system, a move that would result in a monetary loss of $32.3 million and the loss of 1,500 full-time jobs.

Elimination of medical, prosthetic, and rehabilitative research activities at 64 VA medical facilities, representing a monetary loss of $18.3 million, loss of 245 full-time jobs, and indirect creation of some rather grim problems in physician recruiting and other areas crucial to providing quality health care; and

A $236.5-million shortfall in programs for hospital construction and improvement of nursing care, outpatient, and domiciliary facilities.

These are serious problems. Each one of us must write to our Congressman and Senators, protesting these cutbacks in the strongest terms.

To make sure the DAV and DAV Auxiliary mount a stern and effective counter offensive against these frightening threats to the future of the VA medical system, I have initiated a program of action for our organizations. I have written to the leaders of the DAV and DAV Auxiliary at the Chapter, Unit, Department, and National levels, explaining the situation and what needs to be done.

But, your action—as an individual member—will be required also if we are to win this critical battle.

Write to your Congressman and Senators today. Don't put it off. It's urgent that you act immediately.

BED CUTBACKS

The reduction of 3,132 VA hospital operating beds that is proposed in the Carter Administration's budget amounts to the equivalent of eliminating six 500-bed hospitals. Hardest hit states are California, which is scheduled to lose 600 beds at nine VA medical facilities; New York, threatened with the loss of 317 beds at six installations; Michigan, facing the loss of 175 beds at four locations; and Illinois, which could lose 171 beds at six medical facilities.

Noting that the Administration is already discussing a cutback of an additional 2,100 beds in Fiscal Year 1980, I can only view the cutbacks proposed in the Fiscal Year 1979 VA budget as part of a master plan to destroy the VA health care system as a separate entity devoted exclusively to veterans.

This proposed reduction of more than 5,000 operating beds in a two-year period follows the loss of some 14,000 beds over the past decade. The situation is especially grave, since the demands placed on the VA medical system have increased steadily during this entire period of cutbacks.

I'm alarmed that such massive reductions could be seriously considered at a time when veterans of World War II are approaching retirement age in large numbers. Needless to say, the medical needs of this group of veterans are escalating rapidly, as is the severity of the service-connected disabilities suffered by 1.3 million World War II veterans.

I fail to see how the VA can possibly meet the mushrooming demands that the future will surely place on its medical system if one Administration after another insists on shrinking the system's size and capability.

I find the VA's arguments that these bed

closings are necessary to eliminate overcrowding, improve patient privacy, and correct fire and safety hazards completely unconvincing. In a limited number of cases, this may be true. But overall, I see these excuses as a smoke screen designed to disguise an attempt to weaken the VA medical system, making it an easy mark for predators in other Federal agencies.

Also unconvincing to me are the arguments of those VA officials who say they will be able to handle more patients with fewer beds because of increases in staff-to-patient ratios and further reductions in the length of patient stay. In fact, I think there may be a touch of subterfuge in the VA's very optimistic projections in these areas.

First, the VA says it will increase staff-to-patient ratios in its hospitals to 196 staff to each 100 patients during FY 1979. Taken at face value, that would seem a welcome improvement, though it still doesn't compare favorably with the approximate 250 staff to each 100 patients in most community general hospital systems.

According to figures released by the National Academy of Sciences in its "Health Care for American Veterans" report last summer, staff-to-patient ratios then stood at one staff member for each patient in VA psychiatric facilities and 1.5 staff for each patient in VA general hospitals. Considering the monumental problems the VA has in recruiting and keeping doctors on hospital staffs, it would be a real feat if they boosted these figures all the way to 1.96 staff for each patient by the end of FY 1979.

With the scheduled bed reductions and the resulting cut of 1,500 in staffing, it seems to me that the VA could only increase staff-to-patient ratios by decreasing the number of patients treated.

Our best calculations indicate that the VA will be able to reduce the average length of patient stay in its general medical hospitals from 19 to 18 days, and this will allow treatment of an increased number of patients. However, the impact this will have on the VA's ability to keep up with demand while reducing the number of available beds is not at all clear.

It's quite possible that increases in demand on the medical system will entirely outstrip the increases in available beds brought about by further reductions in the average length of patient stay.

Until something is done about bureaucratic problems such as this—problems that relate most indirectly to patient care—it seems unlikely that realistic and meaningful change on a large scale will be possible.

To keep you informed about how VA medical facilities in your area will be affected, I have included with this column a list of those hospitals that face bed closings and the number of beds scheduled to be cut at each. However, even if VA facilities in your area are not affected, you should still contact your Congressman and Senators, protesting the cutbacks in other areas.

Remember that such cutbacks, continued over the past ten years and into the years to come, will eventually decrease the quality as well as the quantity of medical care across the board in the entire VA health care system.

SLASHES IN RESEARCH

I've also included a list of the 64 VA medical facilities at which the Administration wishes to halt research activities. The elimination of this research will produce consequences that far outweigh the savings of $18.31 million that the VA budget proposes to accomplish with these cuts.

With funding in the current fiscal year of $111 million, the VA's health care research program is far and away the largest research effort of its kind in the nation. To continue this research at its current level in Fiscal Year 1979 would require approximately $130 million, while the Administration proposes to spend only $112 million. Funding cuts come to $2.2 million in rehabilitative research, $15.5 million in medical and prosthetic research, and $570,000 in other areas affecting health care research.

Like the cutbacks in operating beds, these funding reductions represent continuation of a trend that has carried over from past Administrations. If this trend continues, the medical professions and their clients . . . you and I . . . will not be able to expect the constant flow of high quality, innovative research that has flowed out of the VA medical system since World War II.

Curtailments of research into the causes and treatment of a number of service-connected disabilities are planned, and such curtailments will have an obvious and immediate effect on the disabled veteran population. But, I'm also deeply concerned that the declining quality of VA medical research programs will significantly inhibit VA efforts to attract the most talented doctors and other health care professionals into a system that doesn't pay competitive salaries.

Many of the VA's finest doctors have already left the system. And those who remain charge that it grows more difficult each year to attract young doctors and doctors of exceptional ability into the system. Without the incentive of money, the VA can only offer opportunities for rewarding research and the stimulation of the high intellectual atmosphere that quality research fosters in a hospital.

As these secondary incentives dwindle it's no wonder the VA finds it difficult to attract and keep its doctors. These concerns were expressed by Dr. Herbert Rose, president of the National Association of VA Physicians, with whom we'll work closely to get VA health care research funding restored to adequate levels.

The fact that two VA medical researchers were awarded the Nobel Prize last year attests to the value of the VA's health care research program—not only to veteran patients, but to everyone in our country and around the world. VA research is a national resource. It would be heinous to allow this crucial program to be ruined by a callousness that places budget savings at a higher premium than human needs.

SHORTFALLS IN CONSTRUCTION

An astonishing total of 36 major construction projects, including a badly needed general medical and surgical hospital in Camden, N.J., are slated to be eliminated in the VA's FY 1979 budget. The budget also includes a 67-percent cut in grants for construction of state extended care facilities.

You'll find a breakdown of the shortfalls in construction programs in a box with this column. Of course, the DAV will fight to have this funding restored. And, it's just as important that each of you write to your Congressman and Senators about this problem as well as the cutbacks in operating beds and medical research.

The major question I find myself asking when I consider these shortfalls in construction is this: What do these cutbacks mean in terms of the Administration's long-term commitment to the integrity of the VA medical system?

Quite frankly, I think these cutbacks show that commitment to be very weak, if it exists at all.

WHY MEDICAL PROGRAMS?

You're probably asking yourself why the Office of Management and Budget decided to descend on the VA's medical programs like a pack of hungry wolves? With Federal funds as tight as they are there is constant pressure on the Administration to cut back programs wherever it can get away with it.

When it comes to the VA budget, we find most of the outlays fixed by law. Disability compensation, pension, DIC, educational allowances, and the like must be paid at the rates set by Congress. Therefore, the only large segment of the VA's operations that offers any budgetary flexibility is the medical program, which thus becomes the natural target for the budget cutters.

The Veterans Administration can do very little to defend itself against cuts in its budget. The agency is, in fact, required to support the Administration budget before the Appropriations Committees of Congress—regardless of the private views of VA officials.

WE MUST ACT NOW!

Thus, the job of protecting the VA budget from unmerciful slashing falls upon us. We must let the budgeteers know that they can't get away with chopping our medical program away to nothing.

In the final analysis, it all comes down to a phrase all of us have heard before: The President proposes, but Congress disposes. The Administration will not get its way on these budget cuts if we put enough pressure on our representatives in Congress, presenting our case firmly and convincingly.

Congressman Ray Roberts (D-Tex.), chairman of the House Committee on Veterans' Affairs, has already taken the lead in this battle. Senator Alan Cranston (D-Calif.), who chairs the Veterans' Affairs Committee in the Senate, has always fought for adequate VA medical appropriations, and can be counted a firm ally in the current situation.

We have other staunch friends in Congress too. But, we must back them up with solid grassroots support. It's urgent that all of us act now! Write to your Congressman and Senators today! ●

"FRIENDLESS" ERITREAN NATIONALISTS HAVE EARNED MEASURE OF RESPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, the nationalist forces of tiny Eritrea have now been fighting for independence from Ethiopia for 17 years. Today, with Cuban and Soviet forces involved on the side of Ethiopia, whereas once they sided with the Eritrean nationalists, the Eritrean Peoples Liberation Front and the Eritrean Liberation Front are not surprisingly cynical and disillusioned about just who their friends are in the outside world—and indeed, whether they really have any friends, including the United States which the Eritreans regard as having favored absorption into Ethiopia in the past.

In a story in the Washington Post, Sunday, April 9, 1978, an EPLF spokesman was quoted as commenting that "the whole world is against Eritrea."

With all the blood and mayhem in Africa these days, I am reminded of an occasion involving a constituent of mine, when the Eritrean nationalist leaders showed themselves to be decent and compassionate toward innocent victims of the fights over territory, and set an example that some other national leaders could well follow today if they wish to establish credentials as responsible members of the international community.

In July of 1975, James Harrell of Milwaukee and another American were kidnaped from the Kagnew naval communications unit in Asmara, Eritrea. They were technicians innocent of any political involvement, and were simply caught

up in the conflict between Eritrea and Ethiopian occupation forces. I made extensive efforts through our State Department to secure the release of the two men, and was dismayed at the lack of interest on the part of our Government.

Subsequently, I contacted Osman Saleh Sabbe, leader of the Popular Liberation Front, in Damascus, Syria, and brought the plight of these two men to his attention. At the time, Mr. Sabbe wrote me:

We do not consider kidnapping innocent people who have not been involved directly against our people as a correct action. The history of our revolution has a clean record as far as its abiding by laws and regulation is concerned.

He promptly secured the release of these two men and restored them to their families in the United States.

Let the Eritrean nationalists know that I for one, and everyone involved in that affair, remember their attitude gratefully and wish to assure them that they are not without friends in the United States.●

WAYS AND MEANS TRADE SUBCOMMITTEE EXTENDS DATE FOR SUBMITTING RECOMMENDATIONS FOR AMENDMENTS TO INTERNATIONAL TRADE PRACTICE LAWS

The SPEAKER pro tempore. Under a previous orders of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, the Subcommittee on Trade, Committee on Ways and Means, today announced that the subcommittee is extending to May 15, 1978, the deadline, as previously announced in the press release of February 6, 1978, for all interested parties to submit recommendations on how U.S. laws (and regulations pursuant to such laws) should be amended to provide more expeditious, effective, and equitable relief for domestic industries from unfair practices affecting import competition.

The subcommittee is interested in recommendations for:

First. Amending the Antidumping Act of 1921, as amended by section 321 of the Trade Act of 1974;

Second. The countervailing duty statute (sections 303 and 516 of the Tariff Act of 1930, as amended by section 331 of the Trade Act of 1974):

Third. Provisions to deal with unfair methods of import competition (section 337 of the Tariff Act of 1930, as amended by section 341 of the Trade Act of 1974); and

Fourth. Responses to foreign export subsidies under section 301 of the Trade Act of 1974.

I hope that this extension will permit all interested parties sufficient time to complete statements and recommendations. It is my intention to schedule hearings late this spring based on the recommendations submitted to the subcommittee, and in particular to invite testimony from expert practitioners in this important area of trade law and regulations.

All comments and recommendations should be submitted to Mr. John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, Room 1102 Longworth House Office Building, Washington, D.C. 20515; telephone: (202) 225–3625 by May 15, 1978.●

THE ROSE AS OUR NATIONAL FLOWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HANLEY) is recognized for 5 minutes.

● Mr. HANLEY. Mr. Speaker, once again, as we all enjoy the great beauties of spring. I would like to express my strong support for House Joint Resolution 654, which would designate the rose as our national flower.

I have read recently a statement by Carter Lee of the New England Rose Socity, which I think states quite clearly the strong case for selecting the rose as the most appropriate national flower.

I offer that statement now for the consideration of my colleagues:

THE ROSE AS OUR NATIONAL FLOWER

Why should the rose be our national flower? Because it is both native and immigrant, simple and sophisticated, delicate and sturdy, persistent and adaptable, grown in a hundred forms from miniature to climber in all fifty states, typifying the qualities that make this country what it is.

Before the first settlements were made on American shores, the Reverend Jones Rosier, in the ship Archangel, touching at Monhegan Island in 1605, found "gooseberries, strawberries, wild pease and wild rose bushes." Edward Winslow reported from Plymouth in 1621, "an abundance of Roses, white, red and damask, single but very sweet indeed," and when the Puritans came to Salem in 1629, what did they find? "Ripe strawberries and gooseberries and sweet single roses." (Higginson's Journal)

The Encyclopedia Britannica lists 35 native American species of rose, and these are scattered throughout the length and breadth of the land—Rosa blanda and Rosa virginiana on our east coast, Rosa setigera, the prairie rose, and Rosa californica, to name but a few. And then there are such roses as R. laevigata, the Cherokee rose, imported from China, but so much at home here that it was first described botanically from American plants and is as southern as fried chicken.

The modern American rose is a hybrid product of many species so interbred as to make it hopeless accurately to trace their ancestry. Are we mistaken in believing that this very characteristic, far from making it alien, is rather typically American? The fact is that George Washington himself helped the process along, growing a hybrid derived from R. setigera, which was named Mary Washington and sold commercially. It is also true that while many species, native and imported, grow wild in the meadows, swamps, and hedgerows of this tremendously varied country of ours, the high centered, fashionably dressed hybrid tea is accustomed to a high standard of living. Who would dare say that this is un-American?

Finally, those who think of the rose as a foreign flower because of celebrated immigrants like "Peace" are forgetful of the genius of American hybridists like Eugene Boerner of New York, Herbert Swim, Walter Iammerts and Robert Lindquist of California, the Brownells of Rhode Island, Horvath of Ohio, the late great Dr. Van Fleet of the U.S.D.A., Griffith J. Buck of Iowa, and many others who have combined to put American roses at the top of the world's production in both quantity and quality.

Our founding fathers saw no reason why the American Eagle should worry because the Roman eagle preceded him. Shall we be more concerned about the English rose? Or shall we recognize the modern American rose, call it Hybrid Tea or Floribunda or Grandiflora or what you will, the very essence of the American spirit, which takes from all the world, mixes with native American soil and diversity of resource, and comes up with a progeny which is adaptable to all occasions, rich and beautiful beyond compare?

CARTER LEE.●

TREASURY'S POSITION ON PROVISIONS OF SAFE BANKING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation which incorporates the Treasury Department's current position on banking reform and improvements in the Federal regulatory structure.

This bill is the product of weeks of negotiations, study, and consultation between the Treasury Department and myself in an effort to broaden the consensus behind key provisions of the Safe Banking Act. This effort was begun shortly after the markup of the Safe Banking Act (H.R. 9600) was terminated near the end of the first session of the 95th Congress.

While I have placed the highest priority on moving the Safe Banking Act, I have delayed a rescheduling of the markup in this session to allow the Treasury Department and others in the administration to study the issues and to develop—as they see it—the best remedies to the defects in our present regulatory structure and current banking practices. At the outset of this task, we realized that there would undoubtedly be areas where we would be forced to continue to disagree, but I have felt that the work—and the wait—were well worth it if we were able to shore up support for so much as a single title.

As it turns out, we have done much better than that—although we will continue to agree to disagree on some very major areas.

Mr. Speaker, I am particularly pleased with the Treasury's strong position on two key titles. One of these gives the regulatory agencies specific authority to disapprove changes of control of banks when unsavory, fly-by-night operators attempt to move in. Treasury also endorses our strong recommendations for greater disclosure to the regulators of material facts when a takeover is attempted. In view of the evidence collected by the Financial Institutions Subcommittee in its investigation of the Texas Rent-A-Bank schemes and other bank takeovers. I am gratified that the Treasury has given its full endorsement to providing more tools for the regulatory agencies in this important area.

Even more important to the overall purposes of the safe banking legislation is the Treasury's support of new and

more meaningful disclosures by commercial banks in the areas of insider activity. This has been a key feature of the Safe Banking Act and I remain convinced that the "sunshine" provided in the disclosure section will have a very salutary effect on efforts to curb insider abuses. I am also pleased that the Treasury Department is willing to support disclosure of final "cease and desist" agreements and orders. The public and the stockholders should have this information and not be required to learn of it only through rare accidents and agency leaks.

Both the disclosure title and the change of control title, as proposed in the Treasury draft being introduced today, have been worked out in long discussions with the Treasury. The language, in my opinion, meets the basic thrust of the Safe Banking Act.

The Treasury has come up with a workable compromise which assures the full application of Clayton Act standards to interlocks among depository institutions and between depository institutions and other companies, including insurance companies.

Working with the subcommittee staff, the Treasury has developed new language on correspondent accounts prohibiting preferential terms on borrowings by insiders and requiring full disclosure of any loans where correspondent accounts exist.

The Treasury has also given its backing to the Safe Banking Act's title calling for the establishment of an Examination Council which provides for the development by the three Federal banking agencies of uniform standards and approaches to bank supervision.

Unfortunately, the Treasury draft does not address some key titles—those dealing with conflicts of interest in the regulatory agencies; Federal charters for mutual savings banks; tightening of holding company administration; and privacy of bank records.

The Treasury fails to address the conflict of interest question—the effort to slow down the revolving door between the regulators and the banking industry—on the grounds that the administration is supporting a general conflict of interest statute which would apply to all departments and agencies. It takes much the same position on the privacy question, preferring to await completion of pending efforts to develop a Government-wide approach to the issue. The Treasury does not oppose Federal chartering for mutual savings banks in principle; it states that it prefers, however, to deal with the question in the broader context of the role of thrift institutions. In addition, Treasury believes that bank holding company legislation should be deferred pending a further study of this area.

Mr. Speaker, it will be necessary for the subcommittee to address all four of these titles. They are issues which have been before the Banking Committee for many years and there is growing support for action. With all due respect to our friends in the Treasury, these four issues cannot be further delayed. Their time has come and we will have a vote on each of them during the safe banking markup.

Mr. Speaker, I regret to disagree with the Treasury's position on the insider limitations and most particularly its statutory definition of an insider. We were not able to convince the Treasury on our Safe Banking Act approach and, in all candor, I must state that I feel the administration fails to meet the issue head on—to the degree I think is required by the magnitude of the problem.

We have wrestled with the problems created by insider activity in banks for many years and we know that the overwhelming majority of failed and problem banks exhibit serious insider dealing. And I feel strongly that excessive insider dealing—particularly by directors—deprives banking institutions of the independent oversight of an objective board unencumbered by massive business dealings with the bank.

The Treausry draft fails in three respects in this area: First, it does not include limitations on borrowings by directors unless they are major stockholders or executive officers; second, it does not provide an overall limitation on aggregate borrowings by all insiders; and third, it does not include a specific and mandatory prohibition on the use of overdrafts by insiders. The Treasury argues that their proposals for general limitations on borrowings by executive officers and major stockholders and general prohibitions against preferential treatment are sufficient to deal with the overdraft problem.

I am happy, however, that the Treasury draft does incorporate the Safe Banking Act's language on new supervisory powers on removal of officers and that it includes limitations on loans to "political committees" controlled by insiders—as provided in H.R. 9600.

The Treasury draft also includes the Safe Banking Act's proposals for restructuring the National Credit Union Administration and the so-called FDIC "housekeeping" amendments. It also provides additional language on Comptroller of the Currency's "housekeeping" questions.

Mr. Speaker, the receipt of the Treasury's draft now opens the way for a resumption of markup. It is my intention to call an early caucus and then move immediately to markup of H.R. 9600. Where appropriate, the new language offered by Treausry will be considered as we reach the various titles in H.R. 9600. As we left the markup in October, we were on title I and I hope we will be able to move rapidly so that the legislation may be sent to the full committee and the House without delay.

While we do not agree with all the points, I am pleased with the fact that the Treasury Department, and particularly Deputy Secretary Robert Carswell and his staff, have been willing to listen to our arguments for a strong reform bill. Secretary Carswell has been open and fair in this process and I am happy that we have been able to be persuasive in some key areas. We are pleased to have Treasury moving with the basic outlines of safe banking on these points and, of course, we reserve the right to disagree on other areas.

Faced with the multiheaded Federal supervisory structure and its various constituencies, the Treasury has performed a difficult, and in many respects, rewarding job. It has made the effort, and the Carter administration should be commended for the manner in which it has approached congressional initiatives.

Mr. Speaker, I remain convinced that safe banking must be a priority item for this Congress. We should not adjourn without action in this area. In an election year, I realize that there will be many who believe that peace with the banking lobbies is preferable to dealing with the hard issues of reform. But, the public interest demands more than cosmetic efforts and peaceful coexistence. The public has not forgotten the banking problems that have received increasing media attention in recent years and weeks. The public expects action.●

THE 82D BOSTON MARATHON—CONGRESSMEN ALEXANDER AND BYRON RUN WITH THE BEST OF THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● Mr. MOAKLEY. Mr. Speaker, two of our colleagues joined the legion of long-distance runners assembled in Boston yesterday for the running of the 82d Boston Marathon. The gentleman from Arkansas (Mr. ALEXANDER) and the gentleman from Maryland (Mr. BYRON) rubbed elbows and blisters with international champions, Olympic hopefuls and weekend runners who qualified for the grueling event of more than 26 miles.

I am proud to report that both of our colleagues finished the race. The gentleman from Arkansas clocked a time of 3 hours, 53 minutes and 26 seconds, while the gentleman from Maryland finished in just over 4 hours. The finish of the gentleman from Arkansas was good enough to place him 3,792d in the field of 4,700.

Both competitors paid homage to the spectators at the annual event. The gentleman from Arkansas, in his first entry into the race, noted that—

> I have never experienced more enthusiastic spectators. To run in the Boston Marathon is to pay tribute to the people of greater Boston.

The gentleman from Maryland echoed those sentiments. "The good and zestful people of the Boston area who line the streets make the race the great amateur event it is. This was my sixth appearance and I am once again grateful for their enthusiastic urgings which carried me over Heartbreak Hill and on to the finish line."

Mr. Speaker, never let it be said that Members of the House of Representatives do not run with the best of them.●

JAMES RESTON PRAISES CARTER'S DECISION ON NEUTRON WEAPONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

• Mr. SEIBERLING. Mr. Speaker, a recent article by the distinguished New York Times writer Mr. James Reston, reprinted in the Akron Beacon Journal of April 11 is one of the most thoughtful and sensible statements yet about the controversial "Neutron Bomb" issue.

Mr. Reston points out that President Carter has been criticized here recently for "hesitating" to order the production of control warheads. As Reston says:

Why shouldn't he be troubled and "hesitant" when he considers where this alarming competition will end?

A half starved world is already spending over $350 billion a year on weaponry, and if Jimmy Carter is committed to anything—politically and philosophically—it is to try to get this arms race by the throat.

TO HESITATE

Mr. Reston points out that good military arguments can be made both for and against the neutron warhead but that in political and philosophical terms, it is hard to quarrel with Mr. Carter's caution and delay. Mr. Reston points out that the West Germans still have their doubts about deploying the use of weapons on their soil and that Secretary Vance is going to Moscow to renew the delicate negotiations for a second SALT Treaty. As Reston says:

The big question is not what is to be done about this particular weapon, but what is to be done about the whole reckless and expensive process of the world arms race.

The text of Mr. Reston's column follows these remarks:

ON NEUTRON "BOMB"—CARTER HAD REASON
(By James Reston)

WASHINGTON.—President Carter has been criticized here recently for "hesitating" to order the production of neutron artillery weapons. Even some members of his own White House staff and cabinet have wondered why he seems so troubled about giving the order to go ahead.

Why shouldn't he be "troubled" and "hesitant" when he considers where this alarming competition will end?

A half-starved world is already spending over $350 billion a year on weaponry, and if Jimmy Carter is committed to anything—politically and philosophically—it is to try to get this arms race by the throat.

So after hearing all the arguments for and against these handy little atomic weapons, he pauses, and temporizes, and thinks about compromising. And a good thing too.

If the Soviets go ahead with every devilish new device their science and imagination can conceive—and they have just about done this—and we do the same to match them, and then they raise the ante to match us and so on, who will break the ring?

And how will the nations ever progress toward a safer and more rational world?

As I understand all the fuss over whether Carter decided against the neutron weapons and then pulled back under pressure from his colleagues and allies, it is this philosophic question that has held him up.

Besides, what's the rush?

A good argument can be made on military terms for producing neutron shells—they are tank-killers that would minimize and maybe even neutralize an attack by the excessive communist forces in eastern Europe.

A counterargument can also be made, again on military terms, for not introducing them into the arsenal of the western alliance on the ground that, if used against a communist invasion, they might lead to an uncontrollable nuclear world war.

But in political and philosophical terms, it is hard to argue with caution and delay.

The West Germans still have their doubts about the wisdom of deploying these weapons years from now on their soil. They want the Dutch and the Belgians to approve such deployment, though it is not clear that the neutron weapons now on the drawing boards, with a range of less than 10 miles, could be used effectively from anywhere but West Germany.

Also, Secretary of State Vance is going to renew the delicate negotiations for a second strategic arms limitation treaty. So why decide the issue one way or another before he gets there?

Carter was not confronted by an either-or decision to produce or not produce these weapons.

There are many different stages in production of neutron weapons, with or without their neutron warheads. And many options on how and where and when they might be deployed after they were produced years from now.

So it is possible for him to compromise without banning the neutron weapons or rushing ahead with them. He could keep the neutron option open without rushing into it before Vance got to Moscow or the Allies had made up their minds.

The big question is not what is to be done about this particular weapon, but what is to be done about the whole reckless and expensive process of the world arms race. And here Carter no doubt differs with some of his advisers.

For him, the ever-expanding development of weapons is not only a military and political but a moral question.

He is more willing than his colleagues in the Defense Department to take risks for peace, even if he has to hold up the development of some new weapons in order to demonstrate his good faith and encourage the Soviets to do the same.

In his view, as I understand it, he can indicate his opposition to producing whatever new atomic weapon comes along, and then, if the Soviets insist on going ahead with all their own weapons, he can always, if reluctantly, go ahead with whatever new weapons he chooses.

Also, there are some political maneuvers going on in all this.

Carter has recently made a very tough speech about U.S.-Soviet relations.

He made clear at Winston-Salem, N.C., last month that Moscow could have a second strategic arms treaty, but not if they continued to use their conventional weapons and their Cuban mercenaries to change the political map of Africa.

Having done so, he also wanted to indicate that if there were a genuine reduction of tensions, the question of producing U.S. neutron weapons could be discussed.

At the same time, he wanted the West Germans to know that the neutron question was an Allied and not solely a U.S. decision. If West Germany wouldn't deploy it, there wasn't much point in Washington's producing it.

There is a great deal to be said about this neutron issue on all sides, but maybe it is not quite as urgent as it seems.

There is a long lead time in producing these weapons, and it will be longer still before they are put in place, if they ever are.

Meanwhile, Carter has a lot to discuss with Soviet leader Brezhnev after the Vance mission to Moscow about the larger question of the arms race and the political rivalries in the Middle East and Africa. And this also looms in Carter's mind, larger than the present dispute over this one important weapon.•

EVEN WITH NEW PANAMA CANAL TREATY HOUSE WILL RETAIN POWERS UNDER CONSTITUTION'S ARTICLE IV, SECTION 3, CLAUSE 2

(Mr. METCALFE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

• Mr. METCALFE. Mr. Speaker, this evening the Senate of the United States will cast an historic vote on the Panama Canal Treaty of 1977. While the outcome of that vote is still in doubt at this hour, there is a distinct possibility that the United States will enter into a new relationship with Panama regarding the canal.

As I have stated on many occasions in this Chamber, I think that a new treaty relationship with Panama is essential for U.S. prestige around the world, and no less important, is a fair and just action for this country to take.

Despite my support for the Panama Canal treaties signed last September 7, there is one constitutional issue with the new treaty relationship that continues to concern me and the Subcommittee on Panama Canal, which I chair. The difficulty is that the 1977 Panama Canal Treaty makes no provision for subjecting the transfer of U.S. property in the Canal Zone to legislative authorization. The absence of such a provision contradicts the provision of the Constitution which specifically assigns to the Congress the power to dispose of U.S. property or territory, article IV, section 3, clause 2.

I hope that all appropriate officials, the general public, and above all, the Members of this legislative body, will not think that the House of Representatives has acquiesced or should acquiesce in the interpretation of the Constitution that property of the United States may be disposed by treaty alone and without any participation by the House of Representatives. There has been an adverse Senate vote on this question on April 5, there has been an adverse decision by the Court of Appeals for the District of Columbia Circuit on April 6, and, of course, the very wording of the treaty was adverse from the viewpoint of the House in that there was no provision for House consideration of the property issue. But, despite the recent actions of these other branches of Government in derogation of the powers of the House of Representatives, the only official actions that have emanated from the House or its committees continue to support the rightful role of the House in disposal of property.

Mr. Speaker, it is my personal conviction that the Constitution vests in Congress exclusive jurisdiction with regard to the disposal of U.S. property. This is based upon a careful evaluation of the testimony of numerous witnesses (pro and con) who have appeared before various committees of Congress during recent years and my own personal study of the issue.

Acting pursuant to my own convictions on the meaning of article IV, section 3, clause 2 of the Constitution, and acting pursuant to the expressed opinions of members of the Subcommittee on Panama Canal, I have consistently urged that the role of the House be respected.

In a speech on the Panama Canal Treaty issue given on May 19, 1977, I spoke in some detail on the property transfer issue. In the summer of 1977, I met with members of the House leadership and with Ambassadors Bunker and

Linowitz on this issue, and urged them to respect the role of the House in the transfer of U.S. property. In August, when the final drafting of the Panama Canal treaties was being done, I sent a telegram to President Carter conveying the same message, urging that the rights of the House under article IV, section 3, clause 2 be respected. In October 1977, I submitted a resolution and made a floor statement on the issue. The resolution stated that the Senate ought to pass the Panama Canal Treaty, but with a reservation which would subject the transfer of U.S. property, among other things, to a vote in the House. In January, during the Senate Committee markup of the Panama Canal treaties, I wrote to Senator SPARKMAN and members of the Senate Foreign Relations Committee urging them to respect the House role under article IV.

Mr. Speaker, I am happy to report that yesterday the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries unanimously endorsed a report on the meaning of article IV, section 3, clause 2 of the Constitution. The thrust of the report is that the power to dispose of U.S. property or territory is exclusively invested in the Congress, and that property of the United States in the Canal Zone may be transferred only by the legislative authority of the Congress.

The subcommittee report evaluates the important property disposal issue, which relates to the very fabric of the Constitution—the principle of separation of powers. If the House is to be circumvented in the transfer of U.S. property interests by treaty in this instance of the canal, you can be assured that the executive departments will invoke this standard whenever it deems it expedient to avoid the authority of the House of Representatives in the future.

Is it fair to assume that the constitutional framers, when they expressly granted to Congress the power to dispose of U.S. territory and property, ever contemplated that a disposition of billions of dollars of U.S. property could be conveyed without approval from the House of Representatives? I think not.

Could they have conceived of a situation where a majority of the Members of the House expressed in one fashion or another their desire to exercise their right to vote on the issue of disposal of U.S. property and their expressions went unheeded by the President and the Senate? I think not.

Could they have conceived of a situation whereby treaties involving the disposal of major U.S. property interests were subjected to a plebiscite in the recipient nation while the U.S. House of Representatives is denied the right to vote on the property disposal therein? I think not.

In my view, the report of the Subcommittee on Panama Canal is not an unusual assertion of the powers of the House of Representatives. The House of Representatives has continuously asserted its right to participate in the disposition of territory and property by treaty.

For example, in 1816, there was legislation concerning regulation of commerce between the United States and Great Britain. In consideration of the conference report on the legislation, the House conferees reported that their Senate counterparts agreed that treaties alone could not, among other things, cede territory.

In 1871, the practice of recognizing Indian interest in land by treaty was terminated by Congress. This resulted from a protest by House Members who felt that no interest in Federal lands could be decided without legislation.

In 1887, the House Judiciary Committee wrote a detailed report advancing the distinctions between the treaty advice and consent functions of the Senate on the one hand, and the treaty implementating functions in which the House must inevitably participate on the other.

As you can see, this is far from the first occasion on which it has been necessary to uphold the rights of the House.

While the Panama Canal subcommittee report strongly endorses the exclusive right of the Congress to dispose of U.S. property, I want to make clear that I do not view this constitutional issue as a device to defeat the Panama Canal treaties or emasculate them in any way. On the contrary, if the House were to vote today on the land disposal contemplated by the treaty, I would support the disposal. Of course, as I said, I strongly support the treaties. But the political and diplomatic necessity of the treaties does not overturn the Constitution.

The Panama Canal Subcommittee felt it was imperative to act yesterday so that the record for the House would be clear prior to the passage of the canal treaties. The House cannot afford to lose its power to dispose of U.S. property. The loss of this power would have adverse repercussions. We are trustees of the powers of the House of Representatives. If we fail to protect those powers, history will be our judge, and the judgment rendered may be none too favorable.

The report of this subcommittee, which received unanimous approval in the subcommittee, follows:

THE CONSTITUTIONAL ROLE OF THE CONGRESS IN THE DISPOSAL OF U.S. PROPERTY IN THE CANAL ZONE

(Mr. Metcalf, from the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries, submitted the following report approved April 17, 1978)

LIST OF SUBCOMMITTEE MEMBERS

Ralph H. Metcalf, Ill., Chairman, John M. Murphy, N.Y. (Ex Officio), Robert L. Leggett, Calif., David R. Bowen, Miss., Carroll Hubbard, Jr., Ky., Bo Ginn, Ga., Leo C. Zeferetti, N.Y., Philip E. Ruppe, Mich. (Ex Officio), Gene Snyder, Ky., Robert K. Dornan, Calif.

(Pursuant to rule X(n)(8) of the Rules of the House of Representatives.)

CONCLUSION OF THE STUDY

The Subcommittee on Panama Canal exercises, on behalf of the Committee on Merchant Marine and Fisheries, legislative jurisdiction over the Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation and government of the Canal Zone. In consideration of its appropriate role in the implementation of a new Panama Canal Treaty, the Subcommittee has considered the authority of the Congress to dispose of property or territory as expressed in Article IV, Section 3, Clause 2 of the Constitution. The Subcommittee has also considered the authority to make treaties as bestowed in Article II, Section 2 of the Constitution. After studying the relationship between these two powers, the Subcommittee concludes that, because the power to dispose of U.S. property or territory of the United States is vested exclusively in Congress, U.S. property interests in the Canal Zone may not be transferred to the Republic of Panama by treaty, unless the full Congress enacts legislation enabling such a transfer.

RATIONALE FOR REPORT

Because of its responsibilities in connection with the operation and maintenance of the Panama Canal, the Subcommittee is frequently compelled to deal with the nature and distribution of U.S. operational authority regarding the waterway. Property rights are material to the manner and the extent to which such authority is exercised, and thus the Subcommittee has a vital interest in the substance of property rights and the constitutional procedures that govern their transfer. This is one key reason for the Subcommittee's interest in the authority exercised by Congress under Article IV, Section 3, Clause 2 of the Constitution.

Another compelling reason for the Subcommittee's interest stems from the overall importance of the Panama Canal to the United States and the magnitude of investment in connection therewith. Property of the United States in the Canal Zone has a book value of $1.5 billion,[1] and the replacement value of the improvements in that jurisdiction has been estimated at $9.8 billion.[2] All or nearly all of the property of the United States in the Canal Zone is related to the Canal itself due to the long-standing policy of this country, as declared in the Panama Canal Act of 1912, that "all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation or protection of the Panama Canal . . ."[3]

An issue of greater importance than the role of the Subcommittee, or even the Panama Canal itself, is connected with the contemplated disposal of the Panama Canal and the U.S. property within the Canal Zone by the year 2000. That issue is whether the transfer of such U.S. property interests by treaty alone and without the rightful participation of the House of Representatives will violate the separation of powers doctrine that is integral to our form of limited government.

The transfer of Panama Canal property by treaty—without enabling legislation—could well have a major impact on the future of United States foreign policy decisions as they relate to the domestic life of the country. In the future, increasing personal and political contacts across national boundaries may lead the United States to use with greater frequency treaties as instruments of policy. Since money and territory have long been the staples of some of the most important international agreements, and since there is no reason to believe these matters will not continue to be subjects of negotiation some time in the future, agreements dealing with U.S. property and territory could reoccur. Without the participation of the House of Representatives, those agreements attempting to transfer property or territory would not be subject to the will of the most democratic national body. It is important to recall that there is only one elected official in the foreign policy machinery of the Executive Branch, and that the Members of the Senate represent disproportionate numbers of persons.

In short, the Subcommittee is concerned

Footnotes at end of article.

and surprised that the Executive Branch has defended so strongly the concept of transferring Panama Canal property by treaty alone when the prior practice of the United States has generally included House and Senate authorization of transfer. If property is transferred by treaty alone in this instance, it may well become the established standard of the Department of State to avoid the authority of the House of Representatives whenever possible. The next obvious extension of the Executive encroachment on the rights of the Congress through the treaty power could be in the area of appropriations.

There is a danger that absent a record protesting transfer of property by treaty, the House of Representatives could be relegated to a purely second-class role in the dealing of the United States with other nations. This the Constitution never intended.

EXAMINATION OF THE ISSUE

In arriving at the conclusion that U.S. property interests in the Canal Zone may not be transferred to the Republic of Panama without the enactment of authorizing legislation, the Subcommittee divides the entire issue into two subsidiary questions: (1) Does the United States in fact have Article IV, Section 3, Clause 2 "property or territory" on the Isthmus of Panama to be transferred to Panama? (2) Does the Constitution give exclusively to the Congress, including the House of Representatives, the power to transfer property or territory?

U.S. PROPERTY INTERESTS IN THE CANAL ZONE

There does not appear to be serious dispute over whether the United States does possess in the Canal Zone "property or territory" which falls within the ambit of Article IV, Section 3, Clause 2 of the U.S. Constitution.

In the recent court case involving a suit brought by 60 Members of Congress against the President (*Edwards* v. *Carter*, No. 78-1166, U.S.C.A.D.C., April 6, 1978, hereinafter referred to as *Edwards*) to obtain a declaratory judgment that Congress alone may dispose of U.S. property, Department of Justice counsel for the defendant did not contend that property to be transferred by the Panama Canal Treaty of 1977 was other than U.S. property. The United States Court of Appeals for the District of Columbia Circuit therefore assumed the property belonged to the United States (*Edwards*, opinion of the Court, note 3, at page 5).

In the Senate debate on the Panama Canal Treaty of 1977, during discussion of an amendment to require the enactment of enabling legislation prior to disposal of Canal property, opponents of the amendment did not dispute the existence of U.S. property interests.[4]

In hearings, speeches and papers following the September 7, 1977 signing of the Panama Canal Treaties, the Executive Branch has not sought to deny the property interests of the United States in the Canal Zone, although some officials have denied that the U.S. had sovereignty over the Zone.[5] The Subcommittee takes this opportunity to note that who holds theoretical "sovereignty" over the Canal Zone is immaterial to whether the United States has property interests under Article IV of the Constitution.

Indeed, there are several court opinions which address the existence of U.S. property interests in the Canal Zone. In the important case of *Wilson* v. *Shaw* (204 U.S. 24, 33, 1907), the U.S. Supreme Court observed—

"It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this Nation, because of the omissions of some of the technical terms used in ordinary conveyances of real estate."

In the recent case of *United States* v. *Husband R (Roach)* 453 F. 2d 1054 (5 Cir. 1971), cert. denied 406 US 935 (1972), the Fifth Circuit Court of Appeals asserted that, "The Canal Zone is an unincorporated territory of the United States."

The statements of the courts and the Executive Branch are acknowledgements of the abundant historical evidence and legal precedent demonstrating the considerable property interest of the United States in the Canal Zone. Indeed, the history of United States policy to construct and operate an interoceanic canal across the Americas is bound up with efforts to acquire and maintain the property rights necessary for the major investment and national and international responsibilities that such a canal entailed. In fact, the act pursuant to which President Roosevelt had negotiated the Hay-Bunau Varilla Treaty of 1903 was the 1902 Spooner Act, legislation which authorized the President to *acquire* the property of the New Panama Canal Company and to acquire from Colombia *control of a strip of land* for the construction of an interoceanic canal (emphasis supplied).[6]

In order to make the record as clear as possible concerning U.S. interests, the Subcommittee notes that property interests of the United States in the Canal Zone includes 647 square miles of land and land under water and improvements acquired at a total cost of $1.6 billion, of which about $171 million represents the cost of the real property and about $1.4 billion represents adjuncts.[7]

The derivation of title or interest of the United States to the real property in the Canal Zone is as follows:

Type of title or derivation	*Area (sq. mi.)*
1. Fee titles purchased from French Canal Company pursuant to authorization of articles VIII and XXII of the 1903 treaty	101
2. Fee titles purchased from Panama Railroad Company pursuant to authorization of articles VIII and XXII of the 1903 treaty	104
3. Private titles of miscellaneous owners purchased under authority of articles VI and XV of the 1903 treaty	83
4. Usufruct in Public Lands of Republic of Panama granted by articles II and III of the 1903 treaty	359
Total area	[8] 647

In its desire to obtain clear legal rights to the real property in the Canal Zone, the United States has paid deadly. The United States paid $40 million to the French Canal Company for its assets in 1904. Payments to Panama for the grants contained in the 1903 Treaty include a lump sum payment of $10 million, annual payments through 1977 of $58.9 million, and transfers of real property with a total value of $34.7 million. In addition, the United States has paid Colombia $25 million under a 1922 treaty for the settlement of differences arising out of the 1903 events involved in the construction of the canal in Panama. Finally, the United States paid $4,728,889 to private landowners, landholders and others, including squatters, who claimed property interests in the Canal Zone. The total amount of these payments stands at $173,346,775.[9]

Of the $1.4 billion in improvements and assets in the Canal Zone, the acquisition cost of property (other than real property), plant and equipment of the Panama Canal Company and Canal Zone Government is shown on the books of those agencies as $958,134,622. Other assets of the two agencies are valued at $103,913,359.[10]

Appropriations for military construction[11] in the Canal Zone from 1904 to 1977 are reported as $321,201,000, bringing the total original cost of U.S. Government property in the Canal Zone and the value of other assets to $1,556,595,756.

The property, plant and equipment of the two agencies include the following principal categories.[12]

[Cost in millions]

Panama Canal Company:	
Canal excavations, channels, etc	$323.8
Locks	111.5
Vessel repair facilities	16.4
Dams and spillways	10.1
Marine bunkering facilities	9.2
Harbor terminals	19.5
Housing	52.2
Retail stores	11.4
Railroad	13.3
Electric power system	43.8
Water system	15.8
Communications system	8.6
Warehouses	2.2
Schools	29.2
Roads, streets, and sidewalks	21.5
Hospitals and clinics	17.3

A significant element in the value of many of the properties of the Panama Canal Company is that they are elements of going business-type, revenue producing activities.

All of the property interests cited, in both the sphere of real property as well as that of improvements, are to be transferred to the Republic of Panama under terms of the Panama Canal Treaty of 1977. The language of the Treaty would attempt to transfer these interests without reference to enabling legislation. Further the Executive has given clear indication that the exchange of treaty ratification instruments with Panama, six months after which the Treaty would take effect, would not be dependent upon legislation to authorize transfer of U.S. property.

Paragraph 2 of Article XIII of the Panama Canal Treaty states:

"The United States of America transfers, without charge, to the Republic of Panama all right, title and interest the United States of America may have with respect to all real property, including non-removable improvements thereon, as set forth below:

"(a) Upon the entry into force of this Treaty, the Panama Railroad and such property that was located in the former Canal Zone but that is not within the land and water areas the use of which is made available to the United States of America pursuant to this Treaty. However, it is agreed that the transfer on such date shall not include buildings and other facilities, except housing, the use of which is retained by the United States of America pursuant to this Treaty and related agreements, outside such areas.

"(b) Such property located in an area or a portion thereof at such time as the use by the United States of America of such area or portion thereof ceases pursuant to agreement between the two Parties.

"(c) Housing units made available for occupancy by members of the Armed Forces of the Republic of Panama in accordance with paragraph 5(b) of Annex B to the Agreement in Implementation of Article IV of this Treaty at such time as such units are made available to the Republic of Panama.

"(d) Upon termination of this Treaty, all real property and non-removable improvements that were used by the United States of America for the purposes of this Treaty and related agreements and equipment related to the management, operation and maintenance of the Canal remaining in the Republic of Panama."

THE CONSTITUTIONAL IMPERATIVES REGARDING TRANSFER OF U.S. PROPERTY AND TERRITORY

Having established that there are U.S. property interests in the Canal Zone which are of great interest to the Subcommittee and which fall under the aegis of Article IV of the U.S. Constitution, an examination of

Footnotes at end of article.

the arguments which have been raised concerning transfer of U.S. property by treaty is in order. Prior to examination of the arguments, the Subcommittee notes (1) the superior procedure involved in submitting a treaty for effectuation by legislation and (2) the ability of the Congress to vitiate the effect of a treaty by subsequent legislation.

Assuming arguendo that the Executive Branch is proceeding on a constitutionally sound basis in attempting to dispose of U.S. property interests to Panama without the consent of the House of Representatives, there is nonetheless no question that the passage of legislation by the Congress to dispose of U.S. property is a democratically superior procedure. The advantages of a more democratic procedure to the body politic are self-evident. Justice MacKinnon, in his dissenting opinion on April 6, 1978 in *Edwards* v. *Carter* (as to what provisions the treaty should have with respect to effecting property transfer) stated: "If there is any policy inherent in this decision, it should be to determine that at least a majority of the nation's representatives who have been elected on a one man-one vote apportionment support the property disposition portions of the treaty." (dissenting opinion, p. 13)

In order to emphasize the importance of the Congress subsequent to the ratification process, we need only note that Acts of Congress may supersede treaties. Article VI of the Constitution considers both treaties and statutes to be the Supreme Law of the land. In the event of a conflict between a treaty and a statute, the most recent is controlling.

Although completion of the ratification process and the subsequent exchange of ratifications will bind the United States to a treaty with a foreign nation in terms of international law—a treaty's effectiveness as domestic law will, in some cases be dependent upon passage of implementing legislation. Such legislation is required either (1) when terms of the treaty call for passage of legislation, or (2) in the more nebulous situation that exists when a treaty affects a power exclusively delegated to Congress.

If the treaty affects a power not in either of the above categories, the treaty is self-executing: that is, such a treaty is effective, as a matter of domestic law, upon ratification. While the Supreme Court has never issued an opinion comprehensively specifying the exclusive powers of Congress, the Executive and Senate have traditionally sought House consent (through implementing legislation) for those treaties that require appropriations or changes in revenue laws.

The Subcommittee recognizes that the scope of the treaty power is very broad, extending to all matters usually considered to be the subject of negotiation and relations between nations. Treaties have addressed political, military, economic, cultural and scientific, and a host of other matters. The Constitution contains no express limitations on the treaty power. However, the Supreme Court has indicated on numerous occasions that the treaty power is limited, in the sense that ". . . a treaty cannot change the Constitution or be held valid if it be in violation of that instrument." [13]

This Subcommittee does not contest the power of the Executive Branch to negotiate with other nations. Nor does the Subcommittee suggest that the House may intrude upon the advice and consent powers of the Senate. But House as well as Senate approval of the disposition of U.S. property must be obtained prior to the transfer of U.S. property as necessitated by the concepts, cited above, that the treaty power is limited by other parts of the Constitution and that treaties may not violate the Constitution and still be valid.

The Subcommittee views the Article IV power to dispose of and make all rules and regulations for U.S. property and territory as a distinct limitation on the effect of the treaty power despite testimony given by the Departments of State and Justice before the Committee on Merchant Marine and Fisheries on January 17, 1978.[14] On that date the Departments repeated and embellished arguments made previously by departmental representatives before the Committee on August 17, 1977 [15] and before the Panama Canal Subcommittee on November 29 and December 2, 1971.[16] As will be discussed, the testimony of the Departments on these four occasions contradicts many assertions of the Executive in previous years. The recent testimony of the Departments that the power to dispose of U.S. property by treaty is "concurrent" with that of the Congress was based upon selective case law dicta, general interpretations of the intention of the constitutional framers and some inapplicable prior treaty practices.

The constitutional text

The two provisions of the Constitution which relate to the constitutionality of transferring U.S. property by treaty are Article II, Section 2, Clause 2 which provides:

"He [the President] shall have the power, by treaty and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;" and Article IV, Section 3, Clause 2, which states:

"The Congress shall have Power to dispose of and make all Rules and Regulations respecting the Territory or other Property belonging to the United States; . . ."

It is the position of the Executive Branch that the "treaty power" of Article II, because of the arguably permissive manner in which it reads and the location it enjoys in the Constitution, authorizes the disposition of United States property interests in the Canal Zone despite the fact that such interests fall squarely within the ambit of Article IV, Section 3, Clause 2 of the Constitution.

The Subcommittee believes the constitutional text itself, the plain language of the Constitution, gives no reason to assume that the power to dispose of property may be exercised other than by statute.

Witnesses from the Executive Branch and some others before the Committee on Merchant Marine and Fisheries and other committees, have asserted that the wording of the disposal power is indicative of its supposed "concurrent" nature.[17] These witnesses contrast the permissive language of Article IV, Section 3, Clause 2 ("The Congress shall have the Power . . .") with the more mandatory language used in the grants of power recognized as exclusive.

Thus, "All bills for Raising Revenue shall originate in the House of Representatives; . . . ", and, "No Money shall be drawn from the Treasury, but the Consequence of Appropriations made by Law; . . .". While these witnesses assert the disposal power is phrased in permissive language, they ignore the power of the Congress under the same clause of Article IV to make "all Rules and Regulations".

Those who believe that the disposal power is "concurrent" in nature readily admit that for certain purposes the effectuation of a treaty must depend upon the enactment of a statute because those powers are invested in the Congress by the Constitution. Yet, these theorists overlook the fact that the text in the Constitution governing such powers, e.g., to impose taxes or to declare war, is no different from the textual framing of the Article IV power.

The language of Article I, Section 8, Clause 1, "The Congress shall have the Power to levy and collect taxes . . ." is no broader than the text of Article IV, Section 3, Clause, 2, "The Congress shall have Power to dispose of and make all needful Rules and Regulations . . . " Similarly, the Article II general power of Congress "To declare war . . ." is not textually stronger than that of the disposal clause under Article IV.

The Subcommittee on Panama Canal is not persuaded that the wording of individual grants of power in the Constitution can or should be used to categorize the nature of those powers. Indeed, even the President's treaty power is phrased in the permissive "He shall have the power . . .". Certainly much firmer evidence is needed in order to categorize any power as either concurrent or exclusive.

If the permissive wording of the treaty power is broad enough to encompass the right to dispose of United States property then it can likewise be argued that the Congress can be circumvented in the declaration of war, the right to levy taxes, and in the matter of appropriations, because these powers are written in permissive terms. The very fabric of the Constitution is at stake since the issue goes to the entire question of separation of powers.

Another argument posed by Executive witnesses is that the "concurrent" nature of the disposal power permits disposal to take place by treaty or statue.[18] This interpretation of the Constitution leaves it to the whim of the Executive as to which method of disposal (by treaty or Act of Congress) shall be utilized. This textual interpretation is difficult to accept because it seems just as proper, if not more proper, to recognize the specific grant of the disposal power to Congress in Article IV as an implied limitation on the treaty power. The general rule of statutory construction set forth in *Swiss National Insurance Co.* v. *Miller* [289 F. 570, 574 (DCC 1923)] seems applicable here.

Thus, "The specific power of disposition, in which the House of Representatives must concur, governs the general provisions authorizing the President and Senate to make treaties", by virtue of the settled rule that a specific provision must govern as against a general provision. Second, "The grant of the disposition power to Congress . . . excludes its exercise by Senate and President" by reason of the canon that "express mention signifies implied exclusion." [19]

It would be an easy matter for this Subcommittee to state that the Constitution clearly declares that the disposal power is exclusive, and to support that statement with selectively culled statements from the Constitution and the writings and records of the framers. Some of the general rules of construction support exclusivity. We prefer, however, to recognize the uncertainty that pervades this area. To state that the Constitution's text clearly provides that the disposal power is clearly concurrent or exclusive, would be highly misleading, and this Subcommittee will not take that approach. It is this Subcommittee's opinion, then, that the sources and text of the Constitution do not provide a clear statement of the nature of the disposal power.

Location in the Constitution

Although it has been argued by Department witnesses and others that the disposal power in Article IV is not applicable to an international situation because Article IV deals with federal-State relationships,[20] this argument belies the fact that neither the Supreme Court nor constitutional scholarship in general deems location in the Constitution to be any determinant of exclusivity.

If the contention were to be allowed that the location of the disposal power somehow restricts it as against the effect of treaties, then it could also be contended that the treaty power could encroach upon other powers granted to Congress outside Article I. Under this specious reasoning, could not the powers granted under Articles II and III

Footnotes at end of article.

to declare punishment for treason, regulate the Supreme Court's appellate jurisdiction, or to choose electors be invaded?

Indeed, the contention regarding location in the Constitution has arisen as a defense of the "concurrent" theorists against the exclusivity of the disposal power, because there are so many strong court opinions which make the disposal power unlimited. It appears significant to the Subcommittee that no court (save the recent Circuit Court of Appeals for the District of Columbia) has ever limited the disposal power so as to not include the treaty power.

The Supreme Court of the United States and the lower Federal courts have repeatedly and consistently affirmed the exclusivity of Congress' power to dispose of U.S. territory. Reference to just a few of the decisions that have been handed down by the Supreme Court over the years will amply demonstrate this constitutional principle.

Thus, in *Wisconsin Central RR Co.* v. *Price*, 133 U.S. 496, 504 (1890), the court declared that Article IV, Section 3, Clause 2 "implies an exclusion of all other authority over the [public] property which could interfere with this right [of Congress] or obstruct its exercise."

In the case of *Sioux Tribe of Indians* v. *United States*, 316 U.S. 317, 326 (1942), the Supreme Court flatly asserted that—

"Since the Constitution places the authority to dispose of public lands exclusively in Congress, the Executive's power to convey any interest in the lands must be traced to congressional delegation of its authority."

Referring to the territorial clause of Article IV, Justice Hugo Black stated for the Court in *United States* v. *California*, 332 U.S. 19, 27 (1947), that—

"The constitutional power of Congress in this respect is without limitation. Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power."

See also *Gibson* v. *Chouteau*, 80 U.S. (13 Wall.) 92, 99 (1872), where the Supreme Court stated that this "power is subject to no limitations."

And, in *Utah Power & Light Co.* v. *United States*, 243 U.S. 389, 404 (1916), a unanimous Supreme Court attested that—

"The settled course of legislation, congressional and state, and repeated decisions of this court, have gone upon the theory that the power of Congress to dispose of United States territory is exclusive, and that only through its exercise—in other words, Congress' exercise—in some form can rights in lands belonging to the United States be acquired."

Although the case law cited is material which falls under the judicial precedents yet to be discussed, the opinions of the court in major cases do not view the disposal power in restrictive terms.

In the recent divided opinion of the United States Court of Appeals for the District of Columbia Circuit in the case of *Edwards* v. *Carter*, the Court made reference to one of the cases cited [*Wisconsin Central RR Co.* v. *Price County*, 133 U.S. 496, 504 (1890)]. The majority opinion implied the location of the disposal power was important in stating: "We think that the most reasonable interpretation of such dicta, occurring in the context referred to, is that there is a lack of any constitutional basis for exercise of authority by individual states over United States property." (*Edwards*, opinion of the court, p. 17). The Court did not make reference to the long line of cases on exclusivity, nor did it bring forward analysis to support its statement.

Why does the disposal power appear in Article IV of the Constitution? This is a difficult question to answer definitively, because it must be remembered that the vagaries of the history of the Convention leave much in doubt.

One reason for the placement of the disposal power in Article IV may be its effect of protecting the Federal legislature. The first paragraph of Section 3 of Article IV protects the integrity of the state boundaries by forbidding the formation of new states out of territory of existing states without the consent of the state legislatures involved. In the next sentence (Article IV, Section 3, Clause 2) the framers apparently applied the same theory by analogy to the territories and property of the United States, i.e., property of the United States cannot be disposed of without the consent of the legislature involved, the Congress.

It is the Subcommittee's conclusion that there are exclusive powers of Congress in articles other than the first of the Constitution, and that the disposal power is one of those.

The Subcommittee finds support for this view of applicability of the disposal power in the *Federalist Papers*. James Madison, long recognized as our prime source of information as to the events at the Constitutional Convention, placed the disposal power in a miscellaneous category of powers, rather than in the category concerning restrictions on state authority.[21] Madison's placement of the disposal power seems to provide weight for the view that the disposal power is exclusive.

Intention of the framers

It is difficult to discern the intention of the authors of the Constitution with precision, because the entire debates and proceedings were not transcribed. The history of discussion on the treaty power and property clause is sparse and indecisive as to their relationship and a study of the unofficial transcripts as reported by distinguished delegates does not shed much additional light on the relationship of the two clauses.

With this caveat in mind, it is perhaps noteworthy to point out that James Madison, who more than anyone else is entitled to the name the "founder of the Federal Constitution",[22] was adamant that the scope of the treaty power does not include the disposal power. The following statement was attributed to Mr. Madison in the debate during the Virginia Convention:

"The king of Great Britain has the power of making peace, but he has no power of dismembering the empire, or alienating any part of it. Nay, the king of France has no right of alienating part of its domain to any power whatsoever. The power of making treaties does not involve a right of dismembering the Union." [23]

During the discussion at the Constitutional Convention of the question of the power of the Legislature to dispose of territory and property of the United States, no mention was made of *an exception* for disposition under the treaty power.

This Subcommittee does not find references to the debates at the Constitutional Convention to provide evidence supporting the "concurrent" nature of the disposal power. To be certain, while there was some limited debate over the disposal power at the Constitutional and State Ratifying Conventions, it hardly seems possible to make a categorical assertion as to the intentions of the Founding Fathers on this issue. Indeed, a close study of the entire debate over the disposal—not an examination of individual sentences selected out of context—indicates that it is more likely that the Framers intended that the disposal power be exercised exclusively by the Members of Congress most close to their constituents, i.e., Members of the House of Representatives.

The recent majority opinion of the District of Columbia Circuit Court of Appeals leans heavily on the intent of the constitutional fathers, and concludes that "the disposition of property pursuant to the treaty power and without the express approval of the House of Representatives was both contemplated and authorized by the makers of the Constitution." (*Edwards*, opinion of the court, p. 16) The Court took this view even though some of the most ardent advocates of the "concurrent" theory have found the debates filled with references setting the alienation of territory above all other drastic effects which could be obtained through an unbridled treaty power. There is no discussion in the Court opinion which has not been raised and replied to with equally valid precedents on behalf of exclusivity. For example, at page 12 of the decision, the Court noted comments of a Mr. Grayson, using his remarks to prove the limited nature of Article IV, Section 3, Clause 2. The Court remarked:

"This issue arose in a debate over the treaty clause that was not unlike the controversy before this court. Governor Randolph of Virginia stated that he could 'conceive that neither the life nor property of any citizen, nor the particular right of any state, can be affected by a treaty.' He then argued that Art. IV, Sec. 3 must be intended to protect against the dismemberment of the Union. Mr. Grayson replied that [t]his clause was inserted for the purpose of enabling Congress to dispose of, and make all needful rules and regulations respecting, the territory, or other property, belonging to the United States, and to ascertain clearly that the claims of particular states, respecting territory should not be prejudiced by the alteration of the government, but be on the same footing as before; that it could not be construed to be a limitation on the power of making treaties." [*Elliot's Debates in the Several State Conventions on the Adoption of the Federal Convention*, 504–05 (1907).]

In fact, Mr. Randolph was urging adoption of the Consttiution and was defending the scope of the treaty power. On June 17, 1788, Mr. Grayson and Patrick Henry selected the Article IV power as one that might be unwisely exercised under the treaty power. James Madison replied that the treaty power did not include the power to dismember the empire. Governor Randolph concluded that day's debate by referring to Article IV as one that would save the Union for dismemberment.

The next day, June 18, 1788, Mr. Grayson referred to the previous day's debate. He stated his belief that Article IV did not limit the treaty power since, in his belief, the power referred only to back lands owned by the United States. In fact, Grayson claimed that no power should permit cession of U.S. territory. Mr. George Mason commented that the power to cede territory must rest somewhere in the governmental structure—but that the power should not rest with the President and Senate alone, and further that a vote of three-fourths of *both* the House and Senate should be required for such action. Mr. Corbin commented that in the case of the dismemberment of the Mississippi Territory the cession should occur only by common (self-executing) or commercial (non-self-executing) treaty. Corbin concluded that an attempted cession by self-executing treaty would be void, and if none by non-self-executing treaty, argued Corbin, then legislative interference would be secured.[24]

Therefore, we reiterate that events at the Constitutional Convention may not be seen as providing a clear answer to this issue.

Judicial precedents

As indicated previously, the Supreme Court has decided in many cases that the power of the Congress to dispose of property is "exclusive" and "without limitation." [25] In none of these cases is such language quali-

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fied, *nor does the Court even suggest that the Article IV power is not "without limitation" when it conflicts with the treaty power.* Although these cases did not directly deal with the treaty power, they clearly and unequivocally express the rule in the broadest and most encompassing terms (i.e., "Exclusive" is "exclusive" is "exclusive.")

Except in the recent case of *Edwards* v. *Carter*, which is now being appealed to the Supreme Court, no court has ever held that the congressional disposal power under Article IV, Section 3, Clause 2 is not exclusive. Nor has any court, save one, ever sustained the "concurrent" theory propounded by the Executive. The Executive Branch relies heavily on the dicta in *Holden* v. *Joy*, [17 Wall (84 US) 211 (1872)] but Professor Raoul Berger referred to this as "the purest, shearest unadulterated dicta," because the case dealt with a *congressionally* authorized Indian treaty which did not even involve a disposal of United States property, but rather a purchase and sale or an exchange of property.[28] Furthermore, the cases cited in *Holden* to sustain the dictum were either irrelevant or concerned "reserves" where no title passed to the United States, but was, in fact, retained by the Indians.

The only other major case often cited to sustain the "concurrent power" theory is *Jones* v. *Meehan*. (175 US 1, 1899. This case involved the leasing by Chief Moose Dung, the younger, of a 10-foot strip of land out of "lands of an Indian tribe" *reserved* to Chief Moose Dung, the elder. This area was part of a reservation set apart for the Chief in exchange for his ceding by his mark to the United States of a large tract of land in Minnesota. This case is insufficient authority indeed to support an assertion so important as to sustain a limitation on the Article IV powers of the Congress.

The continuous reference to Indian treaties by those who believe that the disposal power is concurrent is marred by the several factors which fundamentally distinguish such cases from the transfer of U.S. property in the Canal Zone to the Republic of Panama. The Indian treaty cases play a unique role in U.S. case law because the principals in those cases have a unique status.

These cases constitute a recognition of pre-existing Indian rights and do not involve a disposition of United States property. Most of these cases involved "reserved" lands under which no title passed to the United States, but remained in the Indians. It was the tribe that ceded land to the United States.

Further, the status of the Indians was unique, since they were treated as "wards of the nation," "in a state of pupilage," and "dependent political communities."[27]

Even if the Indians had fee title in some of the cases cited, the United States maintained its residual right of eminent doman which is not the case in a clear transfer of property to a foreign government, such as that which would be effected by the Panama Canal Treaties of 1977.

The acquiescence of Congress in agreements with the Indian treaties constituted an implied delegation by Congress of its authority. Such acquiescence was oftentimes celarly expressed by statute, as with the Cherokee Treaty of 1835.[28] Such acquiescence has never been exhibited as regards the dispositions of United States property in the Canal Zone. In fact, the House has consistently been aware of its role in such matters and the Senate has supported a role for the House in the disposal of property.

Finally, the practice of concluding treaty agreements with the Indians on land matters ceased with the Indian Appropriations Act of 1871. The Congress was well aware of its prerogatives in the disposal of U.S. property in bringing a halt to the treaty practice with Indians.[29]

The aforementioned ruling of the Court of Appeals in the case of *Edwards* v. *Carter* deserves attention because it concerns the very issue the Subcommittee is addressing, i.e., whether *Congress* alone has the authority to alienate U.S. property in the Canal Zone. The majority opinion of the three-member Court found that the power to dispose of U.S. property was "concurrent" and therefore allow transfer of the Canal Zone by treaty. This opinion contained many unexplained contentions. It is interesting to note that the dissenting opinion contained extensive supportive documentation. Although the Court recognized the dependence of many treaties on legislation, no distinction was made in the majority opinion between the negotiation and ratification of a treaty so as to make a binding international agreement on the U.S. on the one hand, and the constitutional procedure to make a treaty effective in domestic law on the other hand. The blurring of this distinction will hopefully be avoided when the Supreme Court hears the issue.

While case law presents persuasive evidence of the exclusivity of the disposal power, there are several opinions written by officials of the Executive, which currently is propounding the "concurrent" doctrine of property disposal, that lend additional weight to our view.

In 1899, the Attorney General of the United States, John Grigg, declared in a formal opinion: "The power to dispose permanently of the public lands and public property in Puerto Rico rests in Congress, and in the absence of any statute conferring such power, cannot be exercised by the executive department for the Government." (22 Op. Atty. Gen. 544, 545.) Attorney General Harlan Fiske Stone, who later became Chief Justice of the Supreme Court, declared in 1924, that—

"Property once acquired by the government may not be sold, or title otherwise disposed of, except under the authority of Congress . . . This authority may be generally expressed or may be specifically granted to permit the disposition in whole or in part of particular property rights. But until that power is given by Congress expressly or impliedly, the Executive is without power to act." (34 Op. Atty. Gen. 322–23.)

The 1977 opinion of the Attorney General indicating that the President may dispose of the Canal Zone without the participation of the House of Representatives, is at variance with the thrust of earlier opinions of the Attorney General.[30]

Treaty practice

Although the Constitution is not amended by practices inconsistent therewith, the Executive Branch continuously alludes to a "practice" of disposing of United States properties by reference to certain treaties with foreign nations. If such precedents were meaningful to the constitutional question involved, they are all nevertheless clearly distinguishable from the disposal of property contemplated by the Panama Canal Treaties of 1977.

This Subcommittee will note each of the cases which have been listed by the Department of State as an instance whereby property or territory has been disposed without authorizing legislation. This Subcommittee has thoroughly examined the treaties and finds no merit in such a contention. In fact, most of the cited treaties do not even involve disposals of what was clearly U.S. property, but rather were in the nature of settlement of disputed claims.

1. The Cherokee Treaty of 1835.—

Article III of this treaty stated that the lands were conveyed ". . . according to the provisions of the Act of May 28, 1830." The State Department urges that an 1872 Supreme Court ruling (to the effect that the particular disposal exceeded the scope of the Act) be taken as evidence of a disposal without congressional consent. Such reasoning is specious. The Executive Branch inserted statutory justification for the disposal in the treaty. The Court noted that the intent and purpose of the Act and treaty were the same. Therefore, the clearly expressed intent of the President to rely on statutory authority, later found to be misplaced, does not indicate a disposal without reliance on Act of Congress.

2. The Chippewa Treaty of October 2, 1863.—

The State Department claims that this treaty demonstrates an occasion of the conveyance of land to an individual Indian without Act of Congress. Given the unique status of the Indian Tribes in relation to the United States Government, and understanding that transfers of territory between sovereign nations do not usually affect rights of individual property owners, it is difficult to understand how this treaty can be considered a disposal. The Indians reserved property out of lands they were ceding to the United States. The United States had previously recognized that the Chippewa possessed use and occupancy rights over the land. Since the Indians did not believe in the concept of individual property ownership, the reservation seems an attempt to confirm U.S. recognition of certain rights the Indians were entitled to under international law. At most, this is a clearing of title.

3. The Spanish Treaty of 1819 (12 Bevans 528).—

The 1819 treaty with Spain was an exchange whereby the United States received substantially all of Florida in return for the relinquishment of our claim to disputed territory west of the Mississippi. The said territory was never in American possession and Spain never agreed that it belonged to us. Furthermore, the Act of March 3, 1819 was passed "for the purpose of executing the treaty, in all those parts which are susceptible of immediate execution, and for establishing a provisional government in Florida."[31] Similar legislation was reenacted by Congress in 1821. This treaty, like many others cited by the Department of State for the proposition of disposal of property by treaty alone, actually involved a boundary dispute. It is well settled that "A treaty for the determination of a disputed line operates not as a treaty of cession, but of recognition."

4. Treaties with Great Britain in 1842 (12 Bevans 82) and 1846 (11 Bevans 95).—

These treaties settled our northern boundary with Canada. As they involved the settlement of a disputed boundary, they too are not cessions of property in the terms of Article IV. The disputed property allocated to Great Britain in the Webster-Ashburton Treaty of 1842 did not even belong to the United States but to Maine and Massachusetts. The Webster-Ashburton Treaty was expressly conditioned upon the consent and compensation of these states.

In the 1846 Treaty, conflicting claims in the Oregon territory were settled with Great Britain at the 49° parallel boundary. The 1848 Act of Congress implemented the settlement by providing for the organization and government of the newly defined Oregon Territory.

5. Treaties with Mexico in 1933 (9 Bevans 976), 1963 (15 UST 21) and 1970 (23 UST 371).—

The lands transferred as the result of these treaties were at the time of the signing of the treaties not owned by the federal government. All three treaties recognized that the lands would have to be acquired by the respective governments prior to the transfer. Prior to the transfer, Congress passed legislation authorizing the acquisition of those lands. Therefore, nothing in these transfers supports the view that the disposal power

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is "concurrent." Further, these treaties were called for as a result of a physical change in the course of the Rio Grande River, a situation that is distinctly different from that of the Panama Canal.

6. Treaties with Japan (23 UST 447) and Honduras (23 UST 2631).—

The 1971 treaty with Honduras was a treaty of recognition not disposition—the United States claiming through the Guano Act and Honduras claiming title through Spain. There was no congressional opposition since the Swan Islands had no intrinsic value to the United States.

The congressional act upon which the United States' claim was based by virtue of guano deposits also provided that nothing in it obliged the United States to retain possession "after guano have been removed from the same." It was pursuant to this statutory authority that the Honduran claim was recognized long after the guano operation had closed. The Senate Foreign Relations Committee described the islands in the following manner in minimizing their value:

"The Swan Islands are rock keys located in the Caribbean about 98 miles off the coast of Honduras. The islands have no intrinsic value to the United States and the largest of the two islands is only two miles long and one-half mile wide. The only U.S. interest in these islands is the operation and maintenance of a meteorological observation and telecommunications facility and an air navigation beacon. The islands are populated by approximately six Americans who operate the facilities and a dozen Honduran nationals and British subjects who work for the United States facilities or raise cattle." (S. Rept. No. 92–94, 92d Cong. 2d Sess., 1 (1972).) Similarly, the Ryuku and Daito Islands were returned to Japan pursuant to the 1971 treaty, apparently in reliance upon statutory authority. The United States never claimed ownership nor was there any congressional opposition to the reversion of these islands to Japan. It is also interesting to note that certain United States property interests were "sold" to Japan for some $320 million.

7. The 1955 Treaty between the United States and Panama (6 UST 2283).—

Much has been made of the fact that the legislation authorizing the transfer of property under the 1955 Treaty with Panama failed to include specific reference to the transfers contemplated by Articles VI and VII of the treaty, although all the transfers in Article V were mentioned in the authorizing legislation. Since the Department of State had expressed the view at the Senate hearings on the treaty that legislative authority was required for all the property transfers including those contemplated by Articles VI and VII, the failure to include the latter in the 1957 Act could have been an oversight.

When the Assistant Secreary of State for Inter-American Affairs testified before the Senate Committee on Foreign Relations on implementing the 1955 Treaty, the following language was contained in the written text:

Legislation Required to Implement Proposed New Agreements with Panama.—

Legislation will be required to implement the following provisions of the treaty and memorandum of understanding reached:

(5) Articles V, VI, and VII, of the treaty and item 2 of the memorandum.—

Transfer of certain lands and improvements to Panama.—Authorizing legislation is required.

Necessary replacements would require appropriations.[32] Despite the likelihood of oversight in the treaty implementing bill, these Articles dealt with boundary changes between the Canal Zone and Panama established by a prior Executive Agreement and it can be concluded that essentially these Articles are matters of recognition rather than disposition.

Thus, the Executive in the cases it has cited, has not substantiated the proposition that the treaty practice of the United States supports the "concurrent" nature of the disposal power. As a matter of fact, many of the treaties cited by the State Department show exactly the opposite: That is, the House of Representatives has been involved in many previous cessions of territory and property.

Historical precedent—Panama

Assuming arguendo that there are conflicting practices, case law and textual interpretations of the Constitution are unable to resolve the issue of the exclusivity of the disposal power, the best guideline for determining the constitutional procedure for relinquishing the Canal Zone would be the past practice concerning the disposal of Panama Canal properties. A study of this practice demonstrates a complete reliance on Congress for authority to transfer property to Panama.

In 1932, in order to build a legation building on land that had been a part of the Canal Zone, Congress authorized the Secretary of State to modify the boundary line between Panama and the Canal Zone. Even in connection with a boundary line modification between Panama and the Canal Zone, an Act of Congress was obtained.[33]

The Act of July 10, 1937 authorized the Panama Railroad Company to sell certain lands and release reversionary interests of Panama.[34]

In 1942, a House Joint Resolution permitted the transfer to Panama, free of cost, of the sewers and waterworks systems of Colon and Panama City, as well as certain railroad lots. This Resolution was passed in the Senate despite some objection that the transfer should have been accomplished by treaty without House participation. In the debate that confirmed this important legislative requirement, the then Chairman of the Senate Foreign Relations Committee, Senator Connally, stated:

". . . under the Constitution of the United States, Congress alone can vest title to property which belongs to the United States. The Constitution itself confers on Congress specific authority to transfer territory or lands belonging to the United States . . . The House of Representatives has a right to a voice as to whether any transfer of real estate or other property shall be made either under treaty or otherwise." [35]

Again, in the 1955 Treaty providing, among other things, for the transfer of real property to Panama, Article V states:

"The United States of America agrees that, subject to the enactment of legislation by the Congress, there shall be conveyed to the Republic of Panama free of cost all the right, title and interest held by the United States of America or its agencies in and to certain lands and improvements in territory under the jurisdiction of the Republic of Panama when and as determined by the United States to be no longer needed for the operation, maintenance, sanitation or protection of the Panama Canal or of its auxiliary works, or for other authorized purposes of the United States in the Republic of Panama."

and Congress did in fact pass legislation.[36]

CONCLUSION

The Subcommittee's conclusion, from a study of the available analysis, case law and historical precedent is that the evidence strongly supports the view that the power to dispose of U.S. property and territory is exclusively vested in Congress, and that transfer of the Canal Zone and Canal-related property by treaty alone would be an unwholesome precedent for the separation of powers in our Government.

In upholding the view of the disposal power as exclusive, this Subcommittee's actions are historically consonant with those of many previous Congresses.

The claim that the House has a right to involvement in disposals of Federal territory and property is not a new concept. As long ago as 1816, that view was acknowledged by the Congress. In February of that year, House managers sought to explain the differences between Senate and House Conferees on a bill concerning the regulation of commerce between Great Britain and the United States. In their report, they noted some areas of common understanding. House Conferees reported that their opposite numbers appeared:

. . . to acknowledge the necessity of legislative enactment to carry into execution all treaties which contain stipulations requiring appropriations, or which might bind the nation to lay taxes, to raise armies, to support navies, to grant subsidies, to create States, *or cede territory*, if indeed this power exists in the government at all.[37]

Later in the ninteenth century, during a debate over a provision in the Indian Appropriations Act of 1872 that ended the practice of concluding treaties with the Indian tribes, supporters of the legislation vigorously asserted that the power to dispose of territory was vested exclusively in Congress, and that the treaty power did not encompass the authority to cede land.[38]

We have already cited the assertion of congressional prerogatives in connection with previous disposals of portions of Panama Canal property. We must recognize as earlier Congresses did that we are the trustees for the preservation of the powers vested in us.

We agree with the actions of previous Congresses which consistently called for House participation in transfers of Panama Canal properties. In such instances relatively unimportant properties were transferred and yet House approval was sought. No less should be required when we are dealing with the disposal of the major United States property interests in Panama involving billions of dollars.

Considering past treaty practice generally (in which implementing legislation was required), and in particular considering the nature of previous disposals to Panama in the Zone area, we have sufficient reason for finding the power to dispose of Federal territory and property to be exclusively vested in the Congress. Considering that this view has been long held by our predecessors in the House, we feel an obligation to this body to state our conclusion firmly and clearly. Any attempt to transfer U.S. interests in the Canal Zone without congressional authorization, must be considered as being beyond the scope of the treaty power and therefore unlawful.

FOOTNOTES

[1] From data in paper of W. Merrill Whitman, August 8, 1977 in Hearings of Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries, *U.S. Interest in Panama Canal*, pp. 391–410.

[2] From paper on Miscellaneous Values of the Panama Canal, by the Panama Canal Company, September, 1977, as attached to Memorandum from the Assistant Secretary of State to Members of Congress/Legislative Assistants, September 19, 1977.

[3] Public Law No. 337, 62d Congress.

[4] See particularly the remarks of Mr. Church of Idaho, *Congressional Record*, April 3, 1978, p. S4629.

[5] See, among others, Statements of Ambassador Sol M. Linowitz, August 19, 1977.

[6] Public Law No. 183, 57th Congress.

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[7] Whitman paper, supra, note 1.

[8] From data in paper of W. Merrill Whitman, "Property Interests of the U.S. in the Canal Zone", paper prepared for the Committee on Merchant Marine and Fisheries, 1977; entered into the *Congressional Record*, March 16, 1978, p. E1393 by Hon. George Hansen.

[9] Whitman paper, supra, note 8.

[10] Annual Report of the Panama Canal Company, 1976, pp. 26 and 138.

[11] From statement of the Hon. Daniel J. Flood, *Congressional Record*, December 5, 1974, p. 38294 with addition of statement in *Congressional Record*, April 4, 1978, p. H2448.

[12] Annual Report of the Panama Canal Company, 1976, p. 30.

[13] The Cherokee Tobacco 11 Wall (78 U.S.) 616, 620 (1871); *Doe* v. *Braden* 16 How. (57 U.S.) 635, 656 (1853); *Geofroy* v. *Riggs* 133 U.S. 258, 267 (1890); *Asakura* v. *City of Seattle* 265 U.S. 332, 341 (1924); *Reid* v. *Covert* 354 U.S. 1, 17 (1957).

[14] Statements by Herbert J. Hansell, Legal Adviser, Department of State, and John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Department of Justice, before the Committee on Merchant Marine & Fisheries, January 18, 1978.

[15] Statements by Herbert J. Hansell, Legal Adviser, Department of State, in *New Panama Canal Treaty*, Hearings of the Committee on Merchant Marine and Fisheries, August 17, 1977, on pp. 27 to 49.

[16] Statements by Carl F. Salans, Legal Adviser, Department of State, on November 29, 1971 and Ralph E. Erikson, Office of Legal Counsel, D.O.J., on December 2, 1971, at Hearings of Subcommittee on Panama Canal, *Panama Canal Treaty Negotiations*, Serial 92–30, pp. 12–16 and 95–100.

[17] Statements of Hansell and Harmon, notes 14 and 15, supra, including Opinion of the Attorney General of the U.S., August 11, 1977, appearing on pp. 31–48 of *New Panama Canal Treaty*.

[18] Note 17, supra.

[19] Statement of Raoul Berger in Hearings before the Committee on Merchant Marine and Fisheries, January 18, 1978, p. 3.

[20] Note 17, supra.

[21] Federalist Papers No. 41–44.

[22] I Farrand xv–xix indicates that Madison's notes of the Constitutional Convention are the best available.

[23] 3 Elliot's *Debates on the Federal Constitution* at p. 501.

[24] See 3 Elliot's *Debates* at pp. 500–515.

[25] *Sere* v. *Pilot* 6 Cr. (10 U.S.) 332 (1810); *American Insurance* v. *Canter* 1 Pet. (26 U.S.) 511 (1828); *United States* v. *Gratiot* 14 Pet (39 U.S.) 526 (1840); *Cross* v. *Harrison* 16 Har. (57 U.S.) 164 (1853); *Gibson* v. *Chouteau* 13 Wall (80 U.S.) 92 (1872); *Sioux Tribe of Indians* v. *United States* 316 U.S. 317 (1942); *United States* v. *California* 332 U.S. 19 (1947); *Federal Power Commission* v. *Idaho Power Co.* 344 U.S. 17 (1952); *Alabama* v. *Texas* 347 U.S. 272 (1953); *Sierra Club* v. *Hickel* 433 F. 2d 24, 28 (9th Cir. 1970) aff'd. 405 U.S. 227 (1972).

[26] See Statement of Raoul Berger, note 19, supra.

[27] *Cherokee Nation* v. *Southern Kansas Railway Co.* 135 U.S. 641 (1890); *Worcester* v. *Georgia* 6 Pet. (31 U.S.) 515 (1832); *Johnson and Graham's Lessee* v. *McIntosh* 8 Wheaton (21 U.S.) 543 (1823).

[28] Act of May 28, 1830 (21 Stat. 411).

[29] 16 Stat. 544, 566, c. 120, 41st Congress, 3d Session, March 3, 1871.

[30] See note 17, supra.

[31] 3 Stat. 523 and 3 Stat. 637.

[32] Hearings Before the Senate Foreign Relations Committee on the Panama Treaty, Exec. F., 84th Cong., 1st Sess., pp. 60-61.

[33] H.R. 7119, 72d Cong., 1st Sess., 72 Cong. Rec. 4652–4657 (1932). The legislation was approved, 72 Cong. Rec. 4657.

[34] —.

[35] 88 Cong. Rec. at 9267.

[36] H.R. 6709, 85th Cong., P.L. 85–223, 71 Stat. 509.

[37] 29 Annals of Congress 1019 (1816) emphasis added.

[38] 97 Cong. Globe 764, 766–767, January 26, 1871, 41st Cong., 3rd Sess., and 99 Cong. Globe at 1811–1812, 1821–1825, March 1, 1871.●

FOOD RESEARCH—INVESTING IN THE FUTURE

(Mr. JENRETTE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JENRETTE. Mr. Speaker, the House Agriculture Subcommittee on Investigations, Oversight, and Research, chaired by my good friend and colleague Congressman DE LA GARZA, has been looking at the implications of the reduced funding levels for agricultural research that have been presented in the administration's fiscal year 1979 budget. The budget levels proposed are highly inconsistent with the strong mandate that the Congress has provided to increase the Federal support for agricultural research. The congressional intent of title XIV of the Food and Agricultural Act of 1977 stresses the important role and the necessity of investing in the future by providing more funds for food and agricultural research.

I should like to call to the attention of the Congress an article that appeared in the AFL–CIO Federationist magazine entitled "Food Research: Investing in the Future." It seems very appropriate to remind the Congress of the substance of this article. It was well received and has been reprinted in several magazines ranging from the Catholic Digest to, most recently, the Virginia Tech Report on Agriculture and Forestry in their fall 1977 issue.

It is particularly noteworthy that this, the first issue of Virginia Tech Report,, chose to lead their publication with Mr. Cordaro's article on food research. Mr. Cordaro's skill for conveying technical information in easily understandable terms is to be commended. His article warns that unless adequate funds are made available for food and agriculture research, the United States and the world will not be able to meet the challenge of producing adequate amounts of good-quality food for the present and future population.

I know that the ranking minority member of the House Agriculture Committee, Congressman WAMPLER, will appreciate this article, as he has been the leader for increased support for agricultural research funding. Mr. Speaker, I encourage my colleagues to read this article so that they might appreciate the necessity of providing increased funds to match the congressional intent to support agricultural research. U.S. national security and global policy depend upon our capability to produce food and to make sure that the backbone of that system—namely, our agricultural research network—continues to be strong and viable. We must look ahead. Today's decision will shape tomorrow; our future capability to produce food depends upon whether the 95th Congress takes the steps to restore the integrity of title XIV of the 1977 Food and Agricultural Act. Let us make it work.

The article follows:

FOOD RESEARCH—INVESTING IN THE FUTURE

(By J. B. Cordaro)

Fluctuations in world food supply over the last decade resemble the path of a roller coaster, up and down from year to year, country to country and crop to crop.

In the mid 1960s, severe droughts threatened starvation on the Indian sub-continent, but U.S. food surpluses helped to save millions of lives. Some prophets saw worldwide famine as inevitable by the mid-1970s. However, shortly thereafter, the effect of the "Green Revolution," the increased yield of wheat and rice obtained by using new seed and technology, spread an euphoric glow across the globe. Much of the increased yield came in areas of need—Pakistan, India, Turkey, Indonesia, North Africa, and about 20 other developing countries.

A decade later, the euphoria has passed. The difficulty of reforming the agriculture sector and improving food production is fully exposed. Following production drops in 1972–1973, worldwide stockpiles of grain were reduced to their lowest point in 21 years, barely a month's supply. However, two bumper crops in South Asia have since averted a serious famine and bought more time to solve the problem.

Now, unlike the 1960s, countries do not feel the United States always can be counted on as the supplier of last resort. Nearly all of U.S. arable land has been brought into production, and with the next severe dip of the roller coaster the United States may be hard pressed to bail out other countries.

Present technologies place a limit on U.S. food production capability. The U.S. seems to be realizing these production levels, while also having to recognize new constraints. The energy costs of machine-powered farming, the environmental costs of chemicals to control weeds and pests, and the sheer availability and expense of fertilizers produced from petroleum—all present serious problems. In short, the very elements that furnish the backbone of the modern farming systems are being challenged. To complicate matters further, climatic fluctuations, which are beyond U.S. control, create both uncertainty and unease.

The world faces the challenge to produce adequate amounts of good quality food for its present population while at the same time preparing for a future world whose population is expected to double sometime early in the 21st Century.

This will not be as easy now as it has been in the past. But at least these goals must be sought:

Developing technologies which use the least possible amounts of non-renewable resources such as water, land, energy, and fertilizer.

Holding environmental damage to a minimum and improving the environment when possible.

Improving the nutritional quality of food and encouraging better dietary habits.

Assuring a more equitable distribution of food.

The food production system we count on to achieve these objectives is enormously complex. In crop production, for example, land, water, seed, fertilizer, machinery, credit, and hard work all go into the first stage, with uncertain weather mixed in. After harvest, transportation, marketing, processing, packaging, wholesaling and retailing are added before food gets to the consumer. If the commodity goes abroad new factors of international trade, tariffs, port facilities, market development and politics are involved. Throughout the process, such matters as regulations, taxes and subsidies must be dealt with.

Science, at the heart of this complex, has previously met our needs. Agricultural research has laid the golden eggs of increased production. For instance, research has demonstrated that hens which once laid 100 eggs a year can now lay about 250, with 300 to come soon. One new vaccine alone cut poultry losses from disease by 70 percent and saved consumers $200 million a year. Introducing hybrid corn and adding other improvements have enabled the United States to increase corn yields almost fivefold in 40 years, from 22 to nearly 100 bushels per acre. It would have required twice the acres, five times the labor, and 50 percent more machinery to produce the same crop without the research breakthrough. The list of benefits could go on and on.

But research can be a slow process. It may take a long time to make and adapt useful discoveries—24 years to develop hybrid corn, for example. Then too, yields have leveled off in several important commodities, indicating there are natural limits to what can be accomplished. Moreover, we are becoming more aware of the complicated process of getting food from seed to the consumer's stomach, particularly in developing countries. Problems with the cost of energy and fertilizer, the availability and use of patterns of land and water, and the loss of food through poor processing, storage, and pest control are of paramount importance; yet little research is going on in these areas.

In terms of purchasing power, the United States has been investing less and less in food research for more than a decade, but it is still recognized as the finest system in the world. This is the system that has reduced the time it takes to produce a bushel of corn from 130 to 6 manhours and built a $24 billion export industry. American farmers outproduce their French counterparts four to one, and as a consequence U.S. consumers still have among the least expensive food supplies in the world, although the amount of income spent on an adequate diet will continue to rise.

BASIC RESEARCH

Research can be divided between applied and basic research. Applied research consists of studies and demonstrations that have immediate utility; for example, how to adapt corn to a particular climate or soil or how to combat an infestation of insects. Basic research, on the other hand, probes into the unknown, seeking knowledge, not immediate results. Basic research is the wellspring from which has come the food-growing miracles of the past.

The system is also dependent on a network which moves the research results to the farmers. Without this component research would collect dust on shelves.

The lead time required to make basic research pay off is often 10, 15 or more years. Thus, the system demands a constant stream so that the well continues to run deep. The productivity of our food system for the year 2000 depends upon research begun today. If, as many believe, the storehouse of "on the shelf" knowledge from the past basic research is about exhausted, very serious consequences to present and future populations can be expected.

The U.S. continues to provide the most support among all nations for research and development of all types. But that's not true in agriculture, where support has declined steadily since 1960. At present, it is about 2 percent of the total federal research budget. Among foreign governments which do provide funds for agricultural research, only Italy, with 1 percent, provides a smaller proportion of its centrally appropriated funds than the United States. Canada, at 19 percent, is the leader.

A study by the congressional Office of Technology Assessment reveals that, while funds for overall research have barely kept pace with inflation over the last decade, funds for basic research have actually declined substantially.

Most other countries have recognized the need and made the commitment to increased funding for agriculture research. In the United States, federal funding for overall research and development has increased from $21 billion in 1976 to $28 billion requested for 1978. However, agriculture's share of this 33 percent increase has been small, showing an increase from $444 million in 1976 to only $496 million in 1978. This equals one half of 1 percent (0.5 percent) of the value of farm sales and only one quarter of 1 percent (0.25 percent) of what Americans spent on food in 1975. Discussions in Congress in 1976 concluded that a substantial boost in agricultural research funding was urgently needed. It was noted that while very real problems of world malnutrition and hunger attract attention, much less attention is paid to agricultural research, the foundation on which efforts to feed a hungry world must be based. It was also stressed that in 1940, 40 percent of the federal research and development funds went for agrricultural research. In 1970, less than 2 percent went to agriculture. General Motors spends twice as much on its private research. The national defense research budget for fiscal year 1977 was almost $10.5 billion—about 20 times the amount spent on agricultural research.

In agricultural research, the areas of greatest potential are research on direct food production—from plants, animals and fish—and research on such indirect but essential factors as weather, energy, water, and the processing of foods.

PLANTS

Among all of these, making plants more productive is still the most important and promising place to begin, since plants provide, directly or indirectly, 95 percent of the world's food supply. Cereal grains alone constitute 60 percent of the world's calories and 50 percent of the world"s protein.

Many scientists cite three ways to make dramatic breakthroughs in plant productivity: first, improve the process by which plants convert light into food and energy (photosynthesis); second, improve the way plants collect and use nitrogen (nitrogen fixation); and third, improve the quality of plants through genetic engineering research.

Two important sources of food in America, corn and soybeans, display the potential. Corn yields have increased fivefold since the 1930s because of the application of nitrogen fertilizer and the development of new, disease-resistant hybrids through genetic improvement. Yields of soybeans, on the other hand, have been nearly static for two decades, at roughly 30 bushels per acre.

Simply put, if each of these plants could learn from the other, food production could improve dramatically. Soybeans are fairly lazy plants. They photosynthesize during one part of the day, then take the rest of the day off. Corn, on the other hand, goes on photosynthesizing all day. Scientists believe it is possible to increase the efficiency of the photosynthesis process in soybeans. If they could achieve a 50 percent increase, food cost savings could amount to $1 billion per year in the United States alone.

Soybeans, however, are very efficient in their use of nitrogen because they gather and absorb nitrogen from the environment and are therefore not dependent on expensive nitrogen fertilizers. Corn is very inefficient and doesn't even use the applied fertilizers very well. Modifying corn to use nitrogen in nature and in fertilizers more efficiently could cut costs, increase productivity and give poor countries a food source they cannot now afford.

As it is, breakthroughs made with hybrid corn have already been the single most spectacular scientific achievement in agriculture. Hybrid corn has provided increases in yields ranging from 200 percent in Mexico between 1945 and 1965 to 500 percent in the United States since the 1930s. Similar gains occurred in West Germany and other northern European countries.

New high yield varieties of rice and wheat also showed remarkable production increases between 1965 and 1975, although there have been some problems recently in such second generation products of the Green Revolution.

Hybrid wheat is becoming a reality. High yielding, hard-winter types with good milling qualities are now being produced and marketed on a limited scale from the winter wheat regions of Texas, Oklahoma and Kansas. The anticipated yield increases of about 20 percent would be another major breakthrough for U.S. agriculture.

A man-made cereal, triticale, seems close to being used by farmers around the world. The best selections of both durum and bread wheat, triticale types now out-produce older strains of wheat by 15 to 20 percent.

Similar future enhancements of yield are near in other major crops such as sugar cane, soybeans, potatoes, sugar beet, sorghum, millet, pigeon peas and peanuts. Such oil seeds as cottonseeds, sunflour, safflour, rapeseed, sesamie seed and palm, olive and coconut oils offer other opportunities to increase the total amount of food available.

LIVESTOCK, POULTRY AND FISH

Since many of these plant varieties can also be used as grain feeds, their development has a potential effect on the production of livestock and poultry—which provide about 25 percent of the protein requirements and about 10 percent of the calories for people around the world.

The number of livestock in the world is more than double the human population. Domestic animals produce meat, milk and eggs from nutrients derived from crops, forages, and byproducts that have less value elsewhere. In the United States alone, they produce two-thirds of the protein, one-half of the fat, one-third of the energy, four-fifths of the calcium, and two-thirds of the phosphorous consumed by man.

Ruminant livestock, the cud-chewers like cattle and sheep who have complicated, four-part stomachs, provide one of the major sources for more food. To increase their role, three interrelated research efforts must be pursued simultaneously with stepped up attention to production and utilization of feeds, animal health and genetic improvement.

One food area in which the U.S. lags far behind is in fishery products. Elsewhere, fish provide a large part of the non-vegetable diets—40 percent in China; 38 percent in India; 22 percent in Indonesia. But in the United States fish provide about 5 percent and a relatively small amount of research effort has been devoted to improving that percentage.

Improved crop and livestock productivity—while ranking very high—is only part of the story of better food production. Besides, the problems of feeding people are far more complicated than just increased food production; there are other concerns in that long process from plant seeds to the consumer's stomach.

CLIMATE

The remarkable increase in U.S. food production over the last 20 years is rightly attributed to improved technology, founded in agriculture research. But these have also been years of unusually favorable climate in the United States, which is also blessed with good soils.

Stephen Schneider, climatologist and author of The Genesis Strategy, writes: ". . . many argue that our technologies had not been put to an adequate test of determining the vulnerability of our crops to weather fluctuations. In fact, in 1974 corn yields were reduced by 20 to 30 bushels per acre due to weather fluctuations."

Schneider argues that we have every reason to believe that the climate of the immediate future will be more variable than the past and that we must take steps such as improving soil conservation, increasing water storage and building reserves to protect against an uncertain future.

Research must play the essential part. To cite one example, researchers at a U.S. Department of Agriculture (USDA) research facility in Peoria, Ill., have developed "super slurper," a blend of manmade materials and starch that can absorb 5.300 times its weight in distilled water. Seeds can be coated with "super slurper," enabling them to germinate even in dry conditions. Better "greenhouse" agriculture and chemicals that speed up or slow down growth would also help.

ENERGY, LAND AND WATER

Energy, particularly from fossil fuels, is another major contributor to modern agriculture that must be re-evaluated. Dr. John Steinhart of the University of Wisconsin has demonstrated how food production has virtually leveled off in the United States despite substantial increases in energy uses. This may suggest that, at least when it comes to energy, the U.S. agricultural system is becoming less efficient and approaching the point of diminishing returns. Research could help to discover means of reducing dependence on energy in food production in this country while helping poorer countries avoid the expense of the American system.

Land is a good investment, the old joke says, "because they ain't making any more of it." The same is true of fossil fuels—a fact we've known for a long time but has been forcefully brought home to us only in recent years.

As a result, efficient use of land and energy are important parts of future U.S. agricultural plans. Annually, more prime agricultural land base is disappearing into non-agricultural uses and is being seriously degraded by erosion. In the United States alone, more than 3.6 billion tons of topsoil were eroded in the one year of 1976.

Also, the need to use energy more efficiently dictates new technologies for crop irrigation. Ninety percent of all water that is withdrawn from U.S. streams and ground water storage is consumed in irrigated agriculture. Irrigation is vital since it is used in the production of 81 percent of sugar beets, 70 percent of fruits and vegetables, 40 percent of cotton and sorghum, 30 percent of alfalfa, 25 percent of barley, and 10 percent of corn and wheat produced in the United States. Globally, up to 30 percent of the food consumed by mankind is produced on 12 to 15 percent of the cultivated lands that are irrigated. Major world countries like China, Russia and India all have a higher percentage of their crop land under irrigation than the United States does.

Drought, a major factor in the instability of U.S. food supplies, can be offset somewhat with adequate research into new techniques such as drip or trickle irrigation, which can also help in preserving water and energy while increasing output. These new methods have reduced by as much as 50 percent the amount of water now used through conventional irrigation systems. They also facilitate the use of marginal land, making it possible to use more low quality water, as well as ending the waste of land from building irrigation ditches. Two environmental problems—nutrient leaching and water pollution—are also reduced by the new irrigation methods.

In the South, sub-surface water levels are dropping and soil moisture is low. At the same time the supply of water from mountain snowfields in the West is, in some places, 15 percent of normal. Moreover, some climatologists believe more drought conditions are on the way.

Research could help "teach" crops to live on less water. Also, irrigation systems can be improved to prevent the return of chemically affected water to our rivers. Irrigation systems that demand less fossil fuel must be developed. While water management is a political question, research could help make the tough decisions on the horizon a little less ominous.

FERTILIZER AND NUTRITION

As fertilizer becomes more expensive, it must be stretched further; yet plants are comparatively inefficient in absorbing fertilizer. Only 50 percent of the nitrogen and less than 35 percent of the phosphorus and potassium applied as fertilizer in the United States are now being used by crops. In the tropics only about a quarter to a third of the nitrogen applied to rice is actually used. It is possible to increase the efficiency of fertilizer through research, but a concerted, coordinated effort is lacking.

Just as plants are inefficient and wasteful of food, so are humans; and for some reason we know less about the nutritional needs of our own bodies than, for example, those of chickens. Animal research is easier than human research, being free of many of the ethical questions involved in human experimentation. With humans, habits and prejudices get in the way. It is known, for instance, that obesity and overconsumption are U.S. health problems, but we know very little about the chemical and psychological factors that inspire overeating. Nutrition and nutrition education are other areas where research is needed.

HOME GARDENS

Food expert Sylvan Wittwer of Michigan State University believes the greatest unexploited area for food production in the United States is in home gardening. Today 51 percent of U.S. families are involved in the nation's 37 million garden plots—the highest participation rate since World War II. This may be the only trend that is running counter to U.S. agriculture development into a large-scale, capital-intensive industry.

Wittwer is concerned that too few of the many scientific developments from commercial food crop production have been adapted to home gardening. One notable area of neglect has been the use of plant varieties that are high quality, disease resistant, high yielding and early maturing, as hybrid carrots, squash, tomatoes and sweet corn.

For all the achievements in agricultural research in the United States, the nation is still in the midst of an agricultural food production revolution, with much more to be accomplished. Modern food production technology has barely touched vital areas like tropical and sub-tropical agriculture, which offer great potential. Many major food crops of the earth—seed legumes, sweet potato, cassava and the millets—have received only token attention. The science of home food gardening, small-scale agriculture and farming systems have scarcely been addressed. In the developing countries, some of the technologies needed will be labor-intensive, with a minimum need for resource capital—quite the opposite of the U.S. story. And in some areas, the technologies must be created from scratch.

Waste can be eliminated at every step, from nitrogen loss in the field to food quality loss from improper packaging. With present knowhow, scientists project only a 5 to 20 percent improvement in crop yields but a 35 percent saving in energy consumption. Food losses from pests, predators, disease and the like could account for as much as a third of the world food output. New methods of pest control focus on using less energy and harming the environment less by finding chemicals that can be used on a large scale but in extremely low doses. Overall elimination of waste could save as much as 50 percent, about what would be needed to fill in the gap in calorie consumption for the world.

FEDERAL FUNDING

Still, the realization of the U.S. potential rests on adequate federal action, especially increased funding.

Primary funding of the U.S. food research system is provided by the federal government, private sources and state government, about $2 billion a year in all. About half of that $2 billion comes from state and federal government; the other half from private industry. While the federal funding provided to the states is only about one-fourth the total, it is vital because as in so many other U.S. undertakings, federal funding is the catalyst.

In fiscal year 1977, for example, $450 million was provided by USDA to agricultural research. From that, the states were given $129 million, with that investment generating another $400–500 million of additional research money from other sources.

Eighty-five percent of federal food research appropriations go to USDA, where five agencies perform agricultural research: the Agricultural Research Service, the Forest Service, the Farmer Cooperative Service, the Economic Research Service and the Statistical Reporting Service. A sixth USDA agency, the Cooperative State Research Service, administers federal funds for the agricultural research that is conducted nationwide at 55 state agricultural experiment stations, 15 schools of forestry, the 16 land grant universities of 1890, and Tuskegee Institute.

The remaining 15 percent of federal food and agricultural research appropriation is distributed by the National Science Foundation, National Institutes of Health, the U.S. Agency for International Development, the Departments of Commerce, Interior, Labor and Defense, the Environmental Protection Agency and the Food Drug Administration.

Dr. Jim Anderson, director of the experiment station at Mississippi State University, cites several reasons why the state agricultural experiment stations (SAES) have not done very well over the last 10 years in securing adequate federal funding for agricultural research. He says the SAES have not been able to convince Congress and the Office of Management and Budget that they are efficient, well-coordinated and capable of eliminating duplication when necessary. Consequently they have not been able to sell the benefits of proposed new research. Instead of lining up allies in support of an overall agricultural research program, Anderson says the SAES tend to pull apart in promoting their own individual projects.

Like all researchers in quest of federal funds, agricultural interests must make their case in terms of cost-benefit. One study of the benefit from public investment in food and agricultural research, made by Dr. Robert Edelman, also of Mississippi State, notes that growth in U.S. agricultural output from increased efficiency in resource use has been about 1.8 percent annually since 1939, mostly from application of new and improved technologies. These can be very expensive to develop and disseminate well enough to assure widespread acceptance and use.

Such research is short term in its payout and only long range in its return, but Edelman concludes that "not only does agricultural research pay off in benefits to people in all walks of life, but it pays very well. The results compare very favorably with other types of public investments. Future productivity growth in U.S. productions of agriculture will depend to a large extent on the level of research and education expenditures that the federal government and the states are willing to support."

The wait is particularly long on returns from basic research, or efforts in new areas, in contrast to the returns from applied research on established practices. For example, research to develop hybrid corn produced nothing for 24 years, but then returned

$700 for every $1 spent in a short period as discovery was rapidly adopted around the country. One University of Chicago study by T. W. Schultz puts the benefit from applied research at 30 to 40 percent of the investment, while basic research can yield returns as much as 17 to 23 times greater than the returns from applied research.

A report by the Joint Economic Committee of Congress in October 1976 included a study in which Dr. Edwin Mansfield reviewed a number of projects and found rates of return from agricultural research of 53, 57, 50 and 42 percent, with the average rate generally in the neighborhood of 40 to 50 percent. Mansfield stresses the risk in oversimplification of these numbers, but concludes that the available evidence suggests the rate of return from agricultural research and development has been high.

The declining share of funding for the U.S. research system shows in the decline of professional personnel in the USDA's Agricultural Research Service (ARS), the state experiment stations and extension service complex. Much of the loss is among junior level scientists, whose departure robs senior scientists of efficiency for today and of replacements for tomorrow. Thus the amount of time scientists can spend in important research areas has declined as the research system has been caught between a stagnant budget and rising costs.

Another telling indicator is the condition of federal research facilities. A survey of ARS facilities in 1975 found that only 49 percent were in satisfactory condition. More than 50 percent needed significant repair and 14 percent were in such bad shape as to be a safety hazard. Many of the 55 state agricultural experiment stations are experiencing similar problems.

Any complex of the size and scope of the U.S. agricultural network invites its share of criticism. However, the studies cited and others, while noting deficiencies, tend overall to prove the system is healthy and serving the U.S. and world consumers well. It's the future that worries agricultural researchers and the situation in world food supply dictates that support levels for research be increased; that closer scrutiny be given to the impacts of agriculture and food processing on the environment and society; that the role of agricultural scientists be upgraded and that the coordination between researcher and the ultimate food user be improved.

More funds must be directed to basic research and to previously neglected areas such as energy use, climate and home gardening; more work in the United States should be tied to developing countries; and clearly younger men and women who look to the future must be brought into the system.

At present, a novel "target" concept is being considered. This funding idea establishes the sense of Congress that at least one half of one percent (0.5) of the total value of personal consumption expenditures for food in the United States, plus one half of one percent (0.5) of the gross value of agricultural exports for the preceding calendar year would be available each year for agricultural research funding. If it had been in effect for 1976, the base funding level for food and agriculture research would have been over $1 billion instead of $450 million.

The funds derived from this formula would be used to support existing agencies and programs and to initiate new program activities throughout the federal government's food and agriculture research and extension system.

Expanded funding, through this vehicle or some other, is essential if agricultural research is to focus on human needs—for it is the human family's nutritional needs that are ultimately served.

The United States must also consider the quality of food, nutritional concerns and public health consequences. The U.S. recognizes that its greatest malnutrition problem is obesity and that over-consumption is a contributor to six of the 10 leading causes of death—heart disease, cancer, cardiovascular disease, diabetes, arteriosclerosis, and cirrhosis of the liver.

U.S. researchers have done quite well with animal work because it's so much easier than researching human nutrition needs. For example:

Human nutrition involves more than "maximum feed efficiency," the single objective that makes animal research easier;

The population is more heterogeneous than typical animal populations;

Humans are among the very few omnivorous animals, which adds additional variable to the research effort than with animals who eat only meat, or no meat;

Human nutrition on the theoretical level is concerned with sustenance but in reality human food selection and consumption is far more complicated;

Human experimentation is a very sensitive issue.

With human beings, efficiency cannot be the only goal. Social considerations demand human beings not become just a "trade-off" or various types of research. Thus nutritional needs must be adjusted to the world in which the human lives—involving the cultural preferences necessary to a democracy, but also the environment, energy supplies and the weather.

The declining commitment to agricultural research can perhaps be traced to concern about overproduction. While the government was paying farmers not to produce, it was understandable that no great emphasis was given to find ways to produce more.

The miracle of U.S. agricultural research has been based more in technology than in science. Science has not been extensively tapped. But the present is and the future will be fundamentally different. To meet the demands on the food system will require that science be more effectively employed—that the mysteries of photosynthesis, nitrogen fixation and other areas that require a scientific breakthrough be given increased attention.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN (at the request of Mr. WRIGHT), between 12:45 and 2 p.m. today, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. DELLUMS (at the request of Mr. WRIGHT), after 1:15 p.m. April 17, this week on account of a death in the family.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARKS) to revise and extend their remarks and include extraneous matter:)

Mr. CONTE, for 30 minutes, today.

Mr. CORCORAN of Illinois, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. SEBELIUS, for 5 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. GOLDWATER, for 5 minutes, today.

Mr. BAUMAN, for 10 minutes, today.

Mr. COHEN, for 15 minutes, today.

(The following Members (at the request of Mr. BARNARD) to revise and extend their remarks and include extraneous matter:)

Mr. SIKES, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CHARLES H. WILSON of California, for 5 minutes, today.

Mr. CARNEY, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. HANLEY, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. RYAN, for 60 minutes, April 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. METCALFE, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,053.

Mr. JENRETTE, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $958.50.

(The following Members (at the request of Mr. MARKS) and to include extraneous matter:)

Mr. FINDLEY.

Mr. BURKE of Florida.

Mr. BROYHILL.

Mr. CUNNINGHAM.

Mr. WAMPLER.

Mr. SARASIN.

Mr. GILMAN in three instances.

Mr. WALSH.

Mr. MOORE.

Mr. HAGEDORN in two instances.

Mr. HOLLENBECK.

Mr. GOLDWATER in two instances.

Mr. BEARD of Tennessee.

Mr. QUILLEN.

Mr. MCCLOSKEY in two instances.

Mr. DORNAN in four instances.

Mr. ROUSSELOT in three instances.

Mr. SPENCE.

Mr. BAFALIS.

Mr. CEDERBERG.

Mr. YOUNG of Florida in two instances.

Mr. HANSEN.

(The following Members (at the request of Mr. BARNARD) and to include extraneous matter:)

Mr. MAZZOLI in three instances.

Mr. CHARLES H. WILSON of California.

Mr. EDWARDS of California in two instances.

Mr. JENRETTE.

Mr. TEAGUE in two instances.

Mr. OTTINGER.

Mr. MILFORD.

Mr. WAXMAN in two instances.

Mr. CLAY.

Mr. GEPHARDT.

Mr. MCDONALD.

Mr. APPLEGATE in four instances.

Mr. BARNARD.

Mr. ROSENTHAL.

Mr. KRUEGER.

Mr. PATTISON of New York.
Mr. STARK in two instances.
Mr. FASCELL in two instances.
Mr. RYAN.
Mr. RICHMOND in two instances.
Mr. SOLARZ.
Mr. DOWNEY.

ADJOURNMENT

Mr. SIKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Wednesday, April 19, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3887. A Communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1978 for the Small Business Administration (H. Doc. No. 95–321); to the Committee on Appropriations and ordered to be printed.

3888. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

3889. A letter from the Chairman, Development Coordination Committee, transmitting the 1977 annual report of the President on actions of the United States affecting the development of low-income countries, pursuant to section 640B(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

3890. A letter from the Secretary of Transportation, transmitting the eighth annual report on operations under the Airport and Airway Development Act of 1970, pursuant to section 24 of the act; to the Committee on Public Works and Transportation.

3891. A letter from the Acting General Counsel of the Treasury, transmitting notice of the determination of the Secretary of the Treasury to temporarily waive countervailing duties on nonrubber footwear imports from Uruguay which are subject to bounties or grants, together with the reasons therefor, pursuant to 88 Stat. 2051 (19 U.S.C. 1303(e)) (H. Doc. No. 95–322); to the Committee on Ways and Means and ordered to be printed.

3892. A letter from the Deputy Fiscal Assistant Secretary of the Treasury, transmitting the 22d annual report on the financial condition and results of the operations of the highway trust fund, covering fiscal year 1977, pursuant to section 209(e)(1) of the Highway Revenue Act of 1956, as amended (H. Doc. No. 95–323); to the Committee on Ways and Means and ordered to be printed.

3893. A letter from the Deputy Fiscal Assistant Secretary of the Treasury, transmitmitting the seventh annual report on the financial condition and results of the operations of the Airport and Airway Trust Fund, covering fiscal year 1977, pursuant to section 208(e)(1) of the Airport and Airway Revenue Act of 1970, as amended (H. Doc. No. 95–324); to the Committee on Ways and Means and ordered to be printed.

3894. A letter from the Secretary of Agriculture, transmitting the fiscal year 1978 global assessment report of food production and needs, pursuant to section 408(b) of Public Law 83–480, as amended (91 Stat. 552); jointly to the Committee on Agriculture and International Relations.

3895. A letter from the Comptroller General of the United States, transmitting a report on the National Aeronautics and Space Administration's Landsat project (PSAD–78–58, April 17, 1978); jointly, to the Committee on Government Operations and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 9279. A bill to amend title 5, United States Code to provide for retention of grade and pay for certain employees, and for other purposes (Report No. 95–991, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 9400. A bill to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States; with amendment (Rept. No. 95–1058). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 5551. A bill to suspend for a 3-year period the duty on 2-Methyl, 4-chlorophenol; with amendment (Rept. No. 95–1059). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 11005. A bill to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1979; with amendment (Rept. No. 95–1060). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 11711. A bill to improve the operation of the adjustment assistance programs for workers and firms under the Trade Act of 1974; with amendment (Rept. No. 95–1061). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on House Administration. H.R. 10392. A bill to establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution and to establish a trust fund to provide a stipend for such fellowship (Rept. No. 95–1062). Referred to the Committee of the Whole House on the State of the Union.

Mr. MEEDS: Committee on Rules. House Resolution 1139. Resolution providing for the consideration of H.R. 8494. A bill to regulate lobbying and related activities (Rept. No. 95–1063). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. Senate Joint Resolution 106. Joint resolution to provide for the reappointment of A. Leon Higginbotham, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 95–1064). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. Senate Joint Resolution 107. Joint resolution to provide for the reappointment of John Paul Austin as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 95–1065). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. Senate Joint Resolution 108. Joint resolution to provide for the appointment of Anne Legendre Armstrong as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 95–1066). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. S. 2220. An act to authorize the Secretary of the Treasury to designate an Assistant Secretary to serve in his place as a member of the Library of Congress Trust Fund Board (Rept. No. 95–1067). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, and CHARLES H. WILSON of California):

H.R. 12168. A bill to amend title 28 of the United States Code to provide that the U.S. District Court for the Central District of California may be held at Long Beach; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself, Mr. ALLEN, Mr. ASHLEY, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GREEN, Mr. HANLEY, Mr. HANNAFORD, Mr. RANGEL, and Mr. WON PAT):

H.R. 12169. A bill to regulate the trapping of mammals and birds on Federal lands, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Interstate and Foreign Commerce, and the Judiciary.

By Mr. BRODHEAD (for himself, Mr. Moss, Mrs. BURKE of California, Mr. STARK, and Mr. DELLUMS):

H.R. 12170. A bill to provide for reimbursement to States experiencing high rates of insured unemployment; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 12171. A bill to strengthen the right of access of the Comptroller General to public and certain private records, to allow for limited auditing of unvouchered expenditures, and for other purposes; to the Committee on Government Operations.

By Mr. CONABLE:

H.R. 12172. A bill to amend the Internal Revenue Code of 1954 to permit a church plan to continue after 1982 to provide benefits for employees of organizations controlled by or associated with the church and to make certain clarifying amendments to the definition of church plan; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. ARCHER, Mr. BURKE of Massachusetts, and Mr. SCHULZE):

H.R. 12173. A bill to reinstate the tax treatment with respect to annuity contracts with reserves based on a segregated asset account as they existed prior to issuance of Revenue Ruling 77–85; to the Committee on Ways and Means.

By Mr. ROBERT W. DANIEL, JR.:

H.R. 12174. A bill to provide for the addition of Eppes Manor to Petersburg National Battlefield, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GAYDOS:

H.R. 12175. A bill to provide special consideration by CETA prime sponsors for Opportunity Industrialization Centers to provide, in cooperation with private industry, new preskills training and skills training opportunities, and to other national community-based organizations, to provide comprehensive employment services, to create new training and job opportunities in the private sector; to the Committee on Education and Labor.

By Mr. GEPHARDT (for himself, Mr. HOLLAND, Mr. STEIGER, Mr. FRENZEL, Mr. FORD of Tennessee, Mr. TUCKER, and Mr. DUNCAN of Tennessee):

H.R. 12176. A bill to amend the Internal Revenue Code of 1954 to clarify standards for determining status of individuals for em-

ployment tax purposes; to the Committee on Ways and Means.

By Mr. GRASSLEY:

H.R. 12177. A bill to postpone for 1 year (until January 1, 1979) the effective date of the recently enacted provision which eliminates the monthly earnings test under section 203 of the Social Security Act; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 12178. A bill to limit the validity of passports issued to Federal officers, employees, and their dependents, for use in their official duties, to the period of the officer's or employee's official status; to the Committee on International Relations.

H.R. 12179. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide an exemption from coverage under the social security program, through a tax refund procedure, for employees who are members of religious faiths which oppose participation in such program, and to provide a similar exemption on a current basis (pursuant to waiver certificates filed in advance) for employers engaged in farming and their employees in cases where both are members of such faiths; and to make the existing exemption for self-employed members of such faiths available to certain additional individuals; to the Committee on Ways and Means.

By Mr. MATHIS (for himself and Mr. HALL):

H.R. 12180. A bill to insure a comprehensive, periodic review of U.S. participation in the World Bank and the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEAL:

H.R. 12181. A bill to recognize the importance of small business by providing the Administrator of the Small Business Administration with the attributes of members of the Cabinet of the President and by including the Administrator in Cabinet meetings; jointly, to the Committees on Government Operations, and Small Business.

By Mr. PICKLE:

H.R. 12182. A bill relating to tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. CLAY, Mr. CHAPPELL, Mr. VENTO, and Mr. STOKES):

H.R. 12183. A bill to amend title 5 and title 28, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, to include supervisory and managerial or specialists positions, and for other purposes; jointly, to the Committees on the Judiciary, and Post Office and Civil Service.

By Mr. ROE (for himself, Mr. LONG of Maryland, Mr. PEPPER, Mr. ROYBAL, Mr. CHAPPELL, Mr. DAVIS, Mr. AUCOIN, Mr. MOFFETT, and Mr. WEAVER):

H.R. 12184. A bill to increase the authorization for the Local Public Works Capital Development and Investment Act of 1976; to the Committee on Public Works and Transportation.

By Mr. STEERS:

H.R. 12185. A bill to provide for unbiased consideration of applicants to medical schools; to the Committee on Interstate and Foreign Commerce.

By Mr. STOCKMAN:

H.R. 12186. A bill to amend the Internal Revenue Code of 1954 to provide for tax reform, and for other purposes; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. RUDD, Mr. JOHNSON of Colorado, Mr. LLOYD of California, Mr. KRUEGER, Mr. BADHAM, Mr. HIGHTOWER, Mr. KETCHUM, Mr. EVANS of Georgia, Mr. ROBERTS, Mr. BEVILL, Mr. HANSEN, Mr. SYMMS, Mr. WATKINS, Mr. ENGLISH, Mr. GOODLING, Mr. MARRIOTT, and Mr. SEBELIUS):

H.R. 12187. A bill to remove residency requirements and acreage limitations applicable to land subject to reclamation law; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. SIMON, Mr. STEERS, Mr. RICHMOND, Ms. MIKULSKI, Mr. KEMP, Mr. EDWARDS of California, Mr. LUKEN, and Mr. BRADEMAS):

H.R. 12188. A bill to amend title 5, United States Code, to promote proper and efficient activities of the Government, and to protect Federal employees disclosing situations in which such activities are not proper or efficient; to the Committee on Post Office and Civil Service.

By Mr. WAMPLER (for himself, Mr. HIGHTOWER, Mr. THONE, and Mr. SKELTON):

H.R. 12189. A bill to provide for the regulation by the U.S. Department of Agriculture of transactions in, and the movement of, biological control organisms in the United States so as to prevent and eliminate hazards to the agricultural community and to enhance the production of food and fiber, to the Committee on Agriculture.

By Mr. CHARLES H. WILSON of California (for himself and Mr. NIX):

H.R. 12190. A bill to amend the provisions of title 39, United States Code, relating to the mailing of solicitations disguised as invoices or statements of accounts; to the Commmittee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 12191. A bill to amend the Railroad Retirement Act of 1974 to eliminate the reduction of Railroad Retirement annuities by amounts payable as social security benefits in cases of persons who had current connections with the railroad industry, had at least 5 years of service, and had attained the age of 65 as of the effective date of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Missouri (for himself, Mr. BURLISON of Missouri, Mr. GEPHARDT, Mr. ICHORD, Mr. VOLKMER and Mr. COLEMAN):

H.R. 12192. A bill to add mileage to the Interstate System for a route along a segment of Missouri Route 725; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H.R. 12193. A bill to amend the Consumer Credit Protection Act to establish rights, remedies, and responsibilities for all participants in the utilization of electronic funds transfer services; and to protect consumers in the utilization of credit cards; and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. BEDELL (for himself, Mr. BINGHAM, Mr. BONIOR, Mr. EDGAR, Mr. GIBBONS, Mr. LAGOMARSINO, Mr. LENT, Mr. PATTISON of New York, Mr. STARK, and Mr. CHARLES WILSON of TEXAS):

H.R. 12194. A bill to create a solar and renewable energy sources loan program within the Small Business Administration; to the Committee on Small Business.

By Mr. BIAGGI (for himself, Mr. ZEFERETTI, and Mr. MILLER of California):

H.R. 12195. A bill to amend the Rehabilitation Act of 1973 to improve the formula for State allotments under part B of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BROOKS:

H.R. 12196. A bill to provide for cost-of-living adjustments in the annuity of a retired Comptroller General and for other purposes; to the Committee on Government Operations.

By Mr. BUTLER (for himself, Mr. GAMMAGE, Mr. KILDEE, Mr. LEVITAS, Mr. MAGUIRE, Mr. RINALDO, and Mr. STANTON):

H.R. 12197. A bill to require the preparation of small business impact statements in connection with Federal agency rules, and for other purposes; to the Committee on Small Business.

By Mr. CEDERBERG:

H.R. 12198. A bill to amend the Tariff Schedules of the United States to provide a temporary suspension of the duty on polystyrene foam; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 12199. A bill to regulate and restrict the use of fuel adjustment clauses by federally regulated, and State regulated, electric and gas utilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLAND:

H.R. 12200. A bill to amend section 422 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HOLLAND (for himself, Mr. BROYHILL, Mr. DUNCAN of Tennessee, Mr. STUDDS, Mr. HEFNER, Mr. FLYNT, Mr. QUILLEN, Mr. JONES of Tennessee, Mr. JENKINS, Mr. ZEFERETTI, Mrs. LLOYD of Tennessee, Mr. DAVIS, Mr. BARNARD, Mr. BEARD of Rhode Island, Mr. BURKE of Massachusetts, Mr. DAN DANIEL, Mrs. HECKLER, Mr. BAFALIS, Mr. NICHOLS, Mr. YATRON, Mr. MCDADE, Mr. WAGGONNER, and Mr. VANDER JAGT):

H.R. 12201. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. BINGHAM, Mr. BONIOR, Mr. CORNELL, Mr. EDGAR, Mr. FORD of Michigan, Mr. GIBBONS, Mr. LENT, Mr. OTTINGER, Mr. PATTISON of New York, Mr. PRICE, Mr. RANGEL, and Mr. STARK):

H.R. 12202. A bill to authorize the Secretary of State to implement solar energy and other renewable energy projects in certain buildings owned by the United States in foreign countries; to the Committee on International Relations.

By Mr. JEFFORDS (for himself, Mr. BINGHAM, Mr. BONIOR, Mr. EDGAR, Mr. FORD of Michigan, Mr. GIBBONS, Mr. LENT, Mr. OTTINGER, Mr. PRICE, Mr. RANGEL, Mr. STARK, and Mr. VAN DEERLIN):

H.R. 12203. A bill to direct the Secretary of Commerce to carry out a global market survey with respect to American-made solar energy technology equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. MCCLOSKEY:

H.R. 12204. A bill to abolish the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. NOLAN:

H.R. 12205. A bill to amend the State and Local Fiscal Assistance Act of 1972 to exempt certain small governmental units from certain public hearing requirements; to the Committee on Government Operations.

By Mr. POAGE (for himself, Mr. MATHIS, Mr. MARLENEE, Mr. WHITEHURST, Mr. BAUCUS, Mr. FLOOD, Mr. BALDUS, Mr. MONTGOMERY, Mr. QUIE, Mrs. SMITH of Nebraska, Mr. ANDREWS of North Dakota, Mr. ROBERTS, Mr. VOLKMER, Mr. GOODLING, Mr. HALL, Mr. ALEXANDER, Mr. NOLAN, and Mr. MCCORMACK):

H.R. 12206. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat and meat products, to apply quantitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 12207. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. ST GERMAIN (by request):

H.R. 12208. A bill to strengthen the supervisory authority of Federal agencies which regulate depositary institutions, to prohibit interlocking management and director rela-

tionships between depositary institutions, to amend the Federal Deposit Insurance Act, to control the sale of insured financial institutions, to regulate the use of correspondent accounts, to establish a Bank Examination Council, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mrs. SPELLMAN:

H.R. 12209. A bill to promote the domestic recruiting of teachers for teaching positions in overseas dependents' schools of the Department of Defense, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12210. A bill to amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; to the Committee on Post Office and Civil Service.

H.R. 12211. A bill to amend title 5 of the United States Code to extend from 2 days to 4 days the number of days per 30 calendar days during which crews of vessels may be granted leaves of absence and to remove the restriction that such leaves of absence be applicable only to service on extended voyages; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN (for herself, Mr. ANNUNZIO, Mr. AKAKA, Mr. MITCHELL of New York, Mr. EDWARDS of California, Mr. MCCORMACK, Mr. WHITEHURST, Mr. BEDELL, Mr. GUYER, Mr. MOTTL, Mr. MITCHELL of Maryland, Mr. EILBERG, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. DOWNEY, Mr. CORMAN, Mrs. MEYNER, Mr. HARRINGTON, Mr. MARKEY, Mr. YOUNG of Alaska, Mr. GILMAN, Ms. MIKULSKI, Mr. RICHMOND, Mr. SOLARZ, and Mr. RYAN):

H.R. 12212. A bill to amend the Truth in Lending Act to require that contracts and agreements respecting credit transactions subject to the act be written in clear and understandable language; to the Committee on Banking, Finance and Urban Affairs.

By Mrs SPELLMAN (for herself, Mr. STARK, Mr. LIVINGSTON, Mr. FLOOD, Mr. THOMPSON, Mr. STOKES, Mr. PATTERSON of California, and Mrs. COLLINS of Illinois):

H.R. 12213. A bill to amend the Truth in Lending Act to require that contracts and agreements respecting credit transactions subject to the act be written in clear and understandable language; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WHITEHURST (for himself and Mr. DORNAN):

H.R. 12214. A bill to amend the Internal Revenue Code of 1954 to provide tax-savings incentives for savings accounts established for the purpose of purchasing a home; to the Committee on Ways and Means.

By Mr. GREEN:

H.J. Res 855 Joint resolution extending the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.J. Res. 856. Joint resolution to declare June 4 through 10, 1978, to be National Neighborhood Week; to the Committee on Post Office and Civil Service.

H.J. Res. 857. Joint resolution to authorize and request the President to proclaim May 7 of each year as a National Day of Prayer; to the Committee on Post Office and Civil Service.

By Mr. RHODES (for himself, Mr. RINALDO, Mr. MCCLORY, Mr. MCDONALD, Mr. GOODLING, Mr. MURPHY of Pennsylvania, Mr. REGULA, Mr. MICHEL, Mr. LENT, Mr. HILLIS, Mr. WATKINS, Mr. KASTEN, Mr. NEAL, Mr. ROSE, Mr. HUGHES, Mr. QUIE, Mr. FORSYTHE, Mr. HUCKABY, and Mr. OBERSTAR):

H.J. Res. 858. Joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week"; to the Committee on Post Office and Civil Service.

By Mr. BAUCUS:

H. Con. Res. 560. Concurrent resolution disapproving proposed regulations of the Department of the Treasury requiring centralized registration of firearms and other matters; to the Committee on Ways and Means.

By Mr. HAWKINS:

H. Con. Res. 561. Concurrent resolution authorizing the printing as a House document the folder "The United States Capitol"; to the Committee on House Administration.

By Mr. KEMP (for himself, Mr. GILMAN, and Mr. CAVANAUGH):

H. Con. Res. 562. Concurrent resolution urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals; to the Committee on International Relations.

By Mr. MITCHELL of Maryland (for himself, Mr. AUCOIN, Mr. BENJAMIN, Mrs. BURKE of California, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FLOOD, Mr. GARCIA, Mr. GREEN, Mr. HUGHES, Miss JORDAN, Ms. KEYS, Mr. LEDERER, Mr. MCHUGH, Mr. MARKEY, and Mr. MINETA):

H. Con. Res. 563. Concurrent resolution to provide special recognition in April 1978 to the National Fair Housing Law, title VIII of the 1968 Civil Rights Act; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of Maryland (for himself, Mr. OTTINGER, Mr. PANETTA, Mr. PATTERSON of California, Mr. RANGEL, and Mr. ROW):

H. Con. Res. 564. Concurrent resolution to provide special recognition in April 1978 to the National Fair Housing Law, title VIII of the 1968 Civil Rights Act; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H. Res. 1135. Resolution providing for the consideration of the bill H.R. 2777 to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes; to the Committee on Rules.

By Mr. HAWKINS:

H. Res. 1136. Resolution providing for the printing of a booklet entitled "Duties of the Speaker"; to the Committee on House Administration.

By Mr. YOUNG of Florida:

H. Res. 1137. Resolution to reaffirm the use of our national motto on coins and currency; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 1138. Resolution to reaffirm the use of the phrase, "Under God", in the Pledge of Allegiance to the Flag of the United States; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 12215. A bill for the relief of Mrs. Bessie E. Baldwin; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 12216. A bill for the relief of Foundry United Methodist Church; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 12217. A bill for the relief of Dana D. Browdy; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1

By Mr. WIGGINS:

On page 13, strike lines 9–25 and on page 14 strike lines 1–5.

Insert on line 9:

"(C) The Comptroller General shall review each year, on a randomly selected basis, not less than 5 per centum of the reports filed in that year under section 4."

H.R. 8494

By Mr. GARY A. MYERS:

Page 39, insert the following after line 7:

(8) If any lobbying communication was made on the floor of the House of Representatives or adjoining rooms thereof, or on the floor of the Senate or adjoining rooms thereof, a statement that such lobbying communication was made.

By Mr. RAILSBACK:

At page 38, lines 24–25 and page 39, lines 1–2, strike existing subsection (6) and substitute the following new subsection (6):

"(6) a description of the issues concerning which the organization filing such report engaged in lobbying communications and upon which the organization spent a significant amount of its efforts, disclosing with respect to each issue any retainee or employee identified in paragraph (5) of this subsection and the chief executive officer, whether paid or unpaid, who engaged in lobbying communications on behalf of that organization on that issue. However, in the event an organization has engaged in lobbying communications on more than 15 issues, it shall be deemed to have complied with this subsection if it lists the 15 issues on which it is spent the greatest proportion of it efforts. For purposes of this paragraph the term "chief executive officer" means the individual with primary responsibility for directing the organization's overall policies and activities;"

On page 39, after line 7, add a new paragraph:

(c) The report covering the fourth quarter of each calendar year shall also include a separate schedule listing the name and address of each organization or individual from which the registered organization received an aggregate of $3,000 or more in dues or contributions during that calendar year and listing the amount given, where (i) the dues or contributions were expended in whole or in part by the registering organization for lobbying communications and solicitations and (ii) the total expenditures reported by the organization under section 6(b)(2) during the year preceding the year in which the registration is filed exceed 1 percent of the total annual income of the organization: *Provided*, That the organization may, if it so chooses, instead of listing the specific amount given, state the amount, in the following categories: (A) amounts equal to or exceeding $3,000, but less than $10,000; (B) amounts equal to or exceeding $10,000, but less than $25,000; (C) amounts equal to or exceeding $25,000, but less than $50,000; (D) amounts equal to or exceeding $50,000. *Provided further*, That any organization registered under this Act or any organization or individual whose contribution to a registered organization would otherwise be disclosed under this paragraph may apply for, and the Comptroller General may grant, a waiver of the reporting requirements contained in this paragraph upon a showing that disclosure of such information would violate the privacy of the contributor's religious beliefs or would

be reasonably likely to cause harassment, economic harm, or other undue hardship to the contributor."

By Mr. SANTINI:

Page 32, line 21, strike out "organization" and all that follows through "employees)," on page 33, line 5.

Page 33, line 6, insert the following after "individuals": ", except that the term "organization" does not include any organization of State or local elected or appointed officials, any Federal, State, or local unit of government (other than a State college or university as described in section 511(a)(2)(B) of the Internal Revenue Code of 1954), any Indian Tribe, any national or State political party or any organizational unit thereof, or any association comprised solely of Members of Congress or Members of Congress and congressional employees".

By Mr. WIGGINS:

On page 38, line 4, after the word "event" insert "to the reporting organization".

On page 38, line 21, after the word "expenditures" insert "for the purpose of engaging in the activities in section 3(a)".

By Mr. YOUNG of Florida:

On page 35, line 4, insert the following:

(3) An identification of any individual who has contributed $2,500 to the organization or an affiliate during any calendar year and who spends all or part of 13 days in any quarterly filing period engaged in lobbying activities described in section 3(a) on behalf of that organization.

On Page 39, after line 7, insert the following:

(8) A listing of the names of each Federal officer or employee whom such organization has sought to influence respecting any activities described in section 3(a).

On page 39, line 8, insert the following:

LIMITATIONS OF LOBBYING IN AREAS PROXIMATE TO THE HOUSE OR SENATE CHAMBERS

SEC. 7. (a) No person who is—

(1) an ex-Member of the House of Representatives or the Senate;

(2) a former Parliamentarian of the House or Senate; or

(3) a former elected officer or minority employee of the House or Senate,

shall, in violation of rule XXXII of the Rules of the House of Representatives, appear in the Hall of the House or adjacent rooms as a representative of an organization which is required to register under this Act during the consideration of a measure in which they have a direct interest.

H.R. 11504

By Mr. VOLKMER:

On page 24 of title II, insert in subsection (d) after "*Provided, however,*" the following: "that such limitation shall be reduced to the extent of the principal of any loans outstanding to the borrower under Title I of the Consolidated Farm and Rural Development Act: *Provided, further,*".

H.R. 11941

By Mr. WIGGINS:

Strike "candidates for Congress," in the title of H.R. 11941.

On page 2 lines 3–4 strike "and any individual who becomes a candidate in any election for the office of Member".

On page 2 lines 14–15 strike "other than an individual who becomes a candidate in any election for the office of Member,"

On page 2 strike line 25 and on page 3 strike lines 1–25.

On page 4 lines 1–2 strike "or an individual who is a candidate for the office of Member"

On page 14 strike lines 21–25 and on page 15 strike lines 1–6. On page 15 strike lines 14–17.

On page 15 line 7 redesignate 2 as 1 on line 9, 3 as 2, on line 18(5) as (3), on line 21(6) as (4), on line 23(7) as (5), and on page 16 line 10 redesignate (8) as (6), on line 11(9) as (7), on line 14(10) as (8), and on page 17 line 11 redesignate (11) as (9).

On page 6, line 5, after the word "than" insert "current employment income received".

On page 7, line 2, after the word "source" insert "(other than from the United States Government)".

On page 7, line 6, strike "$2,500" and insert "$5,000".

On page 7, lines 15–16, strike "any loan secured by an automobile" and insert "any loan secured by household furniture or appliances."

On page 8, line 2 after the word "year" insert ", excluding any deposit in a personal savings or checking account which bears interest."

On page 8, line 4, after the word "property" insert "which was used primarily for commercial or investment purposes," and on line 6 after the word "property" insert "which was used primarily for commercial purposes,".

On page 8, line 9, after "sale" strike all that follows through line 15.

On page 8, line 15, after the word "individual" insert the new paragraph:

"(8) The identity of all positions held as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, and any educational or other institution: Provided, that this paragraph shall not require the reporting of positions held in any religious, social, fraternal, charitable, or political entity."

On page 8, line 15, after "individual". insert:

"(9) A description of the date, parties, to, and terms of any agreement or arrangement with respect to: (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service: (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employee."

On page 8 strike lines 21–25 and on page 9 strike 1–3. Insert in lieu thereof:

(1) not more than $2,500,

(2) greater than $2,500, but not more than $5,000,

(3) greater than $5,000, but not more than $10,000,

(4) greater than $10,000, but not more than $25,000,

(5) greater than $25,000.

On page 10, strike lines 16–25, and on page 11 strike 1–4.

On page 11, lines 16–17 strike the words "may be required" and insert in lieu thereof "shall be required".

On page 11, line 17, after the word "name" insert ", occupation,".

On page 11, line 17, strike the word "and".

On page 11, strike lines 16–24. On page 12, strike lines 1–3. On page 12, strike lines 7–14.

On page 12 strike lines 4–6 and insert:

"(d)(1) Any report filed under this title shall be available for public inspection for a period of five years, so long as the reporting individual remains in a position designated in section 2, after which the report shall be destroyed;

"(2) If the individual who filed the report is no longer within any position designated in section 2 and so notifies the office designated in section 6 holding his report, the report shall, one year after such notification, no longer be available for public inspection. Such report shall be retained by the office designated in section 6 for the remainder of the seven-year period after which it shall be destroyed;

"(3) If the individual specified in subsection d(2) returns to any position designated in section 2 during such seven-year period, his report shall again be made available for public inspection for the remainder of that seven-year period."

On page 12, line 7, strike "inspect,".

On page 12, line 8, strike "or".

On page 12, line 10, after the word "purpose" strike the semicolon, insert a comma and the language "other than by news and communications media for dissemination to the general public;".

On page 12, line 14, after the word "any" strike "political, charitable or other".

On page 12, line 14, after the word "purpose" strike the period, insert a comma and the language "other than for a political purpose."

On page 12, line 19, after "$5,000." insert the following new paragraph:

"(f) This section does not require public availability of information pertaining to the holdings and sources of income of a trust or other financial arrangement designed to insulate the reporting individual, his spouse, or dependent child from knowledge of the holdings and sources of income of such trust or arrangement if such trust or arrangement has been approved under regulations prescribed by the Civil Service Commission, with the concurrence of the Attorney General, as necessary to avoid potential or apparent conflicts of interest under section 208 of title 18, United States Code, and other applicable laws and regulations: *Provided*, That if reported, the instrument or agreement establishing the trust or arrangement and the identity and category of value of assets initially placed in the trust or arrangement shall be made available to the public under this section."

On page 13, line 8, after "reported" insert:

"(c) In order to carry out their responsibilities under this Act the Committee on Standards of Official Conduct of the House of Representatives, and the Select Committee on Ethics of the Senate, have power, within their respective jurisdictions, to render any advisory opinion, in writing, to persons covered by this title.

"Notwithstanding any other provisions of law, the individual to whom an advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any sanction provided in this act."

On page 14, line 7, after "SEC. 8." strike all that follows through "(b)" on line 12.

On page 14 line 18 strike "$5,000" and insert in lieu thereof "$10,000".

H.R. 12050

By Mr. MIKVA:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tuition Tax Deferral Act of 1978".

SEC. 2. DEFERRAL OF INCOME TAX FOR CERTAIN TUITION.

(a) IN GENERAL.—Subchapter B of chapter 62 of the Internal Revenue Code of 1954 (relating to extensions of time for payment of tax) is amended by adding at the end thereof the following new section:

"SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF TAX WHERE TAXPAYER HAS PAID CERTAIN TUITION.

"(a) EXTENSION PERMITTED.—In the case of an individual who pays tuition for the calendar year in which the taxable year begins to one or more eligible educational institutions for himself, his spouse, or any of

his dependents, such individual may elect to pay in installments part or all of so much of the tax imposed by chapter 1 for such taxable year as does not exceed such tuition.

"(b) DOLLAR LIMITATIONS—

"(1) PER YEAR.—The maximum dollar amount of tuition which is paid for any calendar year for any individual and which may be taken into account under subsection (a) shall not exceed the applicable amount determined under the following table:

"In the case of a calendar year:	The applicable amount is:
Beginning after 1977 but before 1982	$1,000
Beginning after 1981 but before 1986	1,500
Beginning after 1985	2,000

"(2) AGGREGATE AMOUNT.—The aggregate amount of tuition for any individual which may be taken into account under subsection (a) for all taxable years may not exceed $6,000.

"(c) DEFERRED INSTALLMENT PAYMENTS.—

"(1) IN GENERAL.—The amount of tax for any taxable year which a taxpayer elects to pay in installments under subsection (a) and which is attributable to tuition for any one individual shall be payable in 10 equal annual installments. The first such installment shall be paid on or before the 15th day of the 4th month of the first taxable year following the first taxable year (after the taxable year for which the taxpayer makes the election) during which the individual is not a full-time student. Any succeeding installment shall be paid on or before the date which is one year after the date prescribed by this paragraph for payment of the preceding installment.

"(2) INTEREST AT RATE OF 3 PERCENT.—Interest on any tax payable in installments under this section (including any deficiency prorated to installment payable under this section) shall be paid at a rate of 3 percent (in lieu of the rate specified by section 6601 (a)) for any period before the date such tax is required to be paid under this section. For purposes of section 6601(b)(1), any election to pay tax in installments under this section shall be treated as an extension of time for payment of such tax.

"(3) DETERMINATION OF UNDERPAYMENTS AND OVERPAYMENTS.—In determining the amount of any underpayment or overpayment for the taxable year, any amount payable in installments in subsequent taxable years by reason of this section shall not be treated as tax due for the taxable year.

"(d) TUITION PAYMENTS TAKEN INTO ACCOUNT.—

"(1) WHEN PAYMENTS MUST BE MADE AND EDUCATION FURNISHED.—Payments of tuition shall be treated as paid for any calendar year—

"(A) FOR 1978.—In the case of calendar 1978, if such payments—

"(i) are made on or after August 1, 1978, and before February 1, 1979, and

"(ii) are for education furnished on or after August 1, 1978, and before January 1, 1979, or

"(B) AFTER 1978.—In the case of calendar 1979 or any calendar year thereafter, if such payments—

"(i) are made during such calendar year or during the 1-month period before or the 1-month period after such year, and

"(ii) are for education furnished during such calendar year.

"(2) GRADUATE STUDENTS EXCLUDED.—

"(A) IN GENERAL.—Tuition attributable to a course of instruction which is not a general course of instruction shall not be taken into account under subsection (a).

"(B) GENERAL COURSE OF INSTRUCTION DEFINED.—For purposes of subparagraph (A) the term 'general course of instruction' means a course of instruction for which credit is allowable toward a baccalaureate or associate degree by an institution of higher education or toward a certificate of required course work at a postsecondary vocational school but does not include any course of instruction which is part of the graduate program of the individual.

"(3) INDIVIDUAL MUST BE FULL-TIME STUDENT.—

"(A) IN GENERAL.—Amounts paid for the education of an individual shall be taken into account under subsection (a) for any calendar year only if such individual is a full-time student for such calendar year.

"(B) FULL-TIME STUDENT DEFINED.—For purposes of this section, the term 'full-time student' means any individual who, during any 4 calendar months during the calendar year, is a full-time student at an eligible educational institution.

"(4) TUITION FOR FIRST YEAR EXCLUDED.—Tuition paid for any individual which is attributable to education furnished during the first year of a general course of instruction shall not be taken into account under subsection (a).

"(5) ELECTION.—Amounts paid for tuition for any individual for any calendar year may be taken into account by the taxpayer under subsection (a) only if (and only to the extent) the taxpayer elects to apply this section to such tuition.

"(e) TUITION DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'tuition' means tuition and fees required for the enrollment or attendance of a student at an eligible educational institution, including required fees for courses.

"(2) CERTAIN AMOUNTS NOT INCLUDED.—The term 'tuition' does not include any amount paid, directly or indirectly, for—

"(A) books, supplies, and equipment for courses of instruction, or

"(B) meals, lodging, transportation, or similar personal, living, or family expenses.

"(3) AMOUNTS NOT SEPARATELY STATED.—If an amount paid for tuition includes an amount for any item described in subparagraph (A) or (B) of paragraph (2) which is not separately stated, the portion of such amount which is attributable to such item shall be determined under regulations prescribed by the Secretary.

"(f) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institutfon of higher education, or

"(B) a postsecondary vocational school.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution described in section 1201(a) or 491(b) of the Higher Education Act of 1965 (as in effect on January 1, 1978).

"(3) POSTSECONDARY VOCATIONAL SCHOOL.—The term 'postsecondary vocational school' means—

"(A) an area vocational education school as defined in subparagraph (C) or (D) of section 195(2) of the Vocational Education Act of 1963 (as in effect on January 1, 1978), which

"(B) is located in any State.

"(4) DEPENDENT.—The term 'dependent' has the meaning given to such term by section 152.

"(5) MARITAL STATUS.—The determination of marital status shall be made under section 143.

"(6) TAX IMPOSED BY CHAPTER 1.—The term 'tax imposed by chapter 1' means the tax imposed by chapter 1 reduced by the sum of credits allowable under subpart A of part IV of subchapter A of chapter 1 (other than the credits allowable under sections 31, 39, and 43).

"(g) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN SCHOLARSHIPS AND VETERANS' BENEFITS.—

"(A) IN GENERAL.—For purposes of this section, any amount received as a nontaxable scholarship or educational assistance allowance with respect to any individual—

"(i) shall reduce the limitation applicable to such individual under subsection (b)(1) for the calendar year in which such amount is received and

"(ii) shall be treated as used on a ratable basis for all expenses of the recipient for which such scholarship or allowance may be used, with the amount so used for tuition treated as an amount not paid by the taxpayer.

"(B) NONTAXABLE SCHOLARSHIP OR EDUCATIONAL ASSISTANCE ALLOWANCE DEFINED.—For purposes of subparagraph (A), the term 'nontaxable scholarship or educational assistance allowance' means—

"(i) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) or similar award which is not includible in gross income, and

"(ii) an educational assistance allowance under chapter 32, 34, or 35 of title 38, United States Code.

"(2) TAXPAYER WHO IS A DEPENDENT OF ANOTHER TAXPAYER.—Amounts paid for any calendar year for tuition for the taxpayer may not be taken into account under subsection (a) by such taxpayer if such taxpayer is a dependent of any other person for a taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) SPOUSE.—Amounts paid for any calendar year for tuition for the spouse of the taxpayer may not be taken into account under subsection (a) by such taxpayer unless—

"(A) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year beginning in such calendar year, or

"(B) the taxpayer files a joint return with his spouse under section 6013 for such taxable year.

"(h) DENIAL OF PERSONAL EXEMPTION AND CERTAIN TAX DEDUCTION.—

"(1) DENIAL OF PERSONAL EXEMPTION.—If the taxpayer elects for any taxable year to take into account under subsection (a) tuition paid for any dependent, no exemption shall be allowed under section 151(e) to such taxpayer for such taxable year with respect to such dependent.

"(2) DENIAL OF DEDUCTION.—If any tuition is taken into account under subsection (a) by the taxpayer, no deduction shall be allowed under chapter 1 for such tuition.

"(i) Acceleration of Payments; Etc.—

"(1) ACCELERATION OF PAYMENTS.—If—

"(A) the taxpayer dies during the taxable year, or

"(B) any installment under this section is not paid on or before the date prescribed for its payment (including any extension of time for the payment of such installment),

the unpaid portion of the tax payable in installments under this section shall be paid on notice and demand from the Secretary. If the tax payable in installments under this section is attributable to any taxable year for which the taxpayer made a joint return under section 6013 with his spouse, subparagraph (A) shall not apply if the spouse survives the taxpayer.

"(2) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under subsection (a) to pay any part of the tax imposed by chapter 1 in installments and a deficiency has been assessed, the deficiency may (at the election of the taxpayer and subject to the limitations provided by this section) be prorated to the installments payable under subsection (a). The part of the deficiency so prorated to any installment the date of payment for which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of

the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This paragraph shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intend to evade tax.

"(3) ELECTION.—Any election under this section shall be made at such time and in such manner as the Secretary may prescribe.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—Section 6503 of such Code (relating to suspension of running of period of limitations) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) EXTENSION OF TIME FOR PAYMENT OF TAX WHERE TAXPAYER HAS PAID CERTAIN TUITION.—The running of the period of limitations for the collection of any tax payable in installments under section 6168 shall be suspended for the period during which there are any unpaid installments of such tax."

(c) DISREGARD OF EXTENSION OF TIME FOR PAYMENT OF TAX.—Any election by an individual to pay tax in installments under section 6168 of the Internal Revenue Code of 1954 shall not be taken into account for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program of educational assistance or under any State or local program of educational assistance financed in whole or in part with Federal funds.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6168. Extension of time for payment of tax where taxpayer has paid certain tuition."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after August 1, 1978.

SEC. 3. STUDY

The Secretary of the Treasury or his delegate and the Secretary of Health, Education, and Welfare or his delegate shall each conduct a study of the operation and effects of section 6168 of the Internal Revenue Code of 1954 (as added by this Act), and prepare and transmit to the Congress, during the first quarter of calendar 1980 and during the first quarter of calendar 1982, a report containing the results of such study with respect to the period elapsing before such quarter during which such section 6168 was in effect. Each report transmitted to the Congress under the preceding sentence shall be published in the Federal Register.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1954 to provide a deferral of income taxes where the taxpayer pays certain tuition."

SENATE—*Tuesday, April 18, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 7:30 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who in former times didst lead our fathers, we bow in Thy presence once more to offer ourselves—souls, minds, and bodies, in Thy service, knowing that when we first love Thee we best serve our country. Give us clean hands and pure hearts. Deliver us from sham and pretense and hypocrisy. Conquer our weariness. Refresh our spirits. Keep our motives pure, our purposes worthy of a great and good people. In these days which try men's souls may we submit ourselves to Thee, discern what is Thy will and do it. With Thy benediction upon us may we face what we must face this day with clear thinking, honest dealing, and the inner assurance we have done our best to do justly, love mercy and walk humbly with our God, in whose holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 18, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. BURDICK thereupon assumed the chair as Acting President pro tempore.

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield my 15 minutes under the order to Mr. DECONCINI.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask Mr. DECONCINI if he will yield a couple of minutes to me.

Mr. DECONCINI. Yes, I yield.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, as in legislative session, the legislative Journal be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there is one joint resolution on the calendar which, I understand, is cleared. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 672.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, that item is cleared on our calendar, and we have no objection to proceeding to its consideration at this time.

WHITE HOUSE CONFERENCES ON THE ARTS AND ON THE HUMANITIES

The joint resolution (H.J. Res. 649) to authorize the President to call a White House Conference on the Arts, and to authorize the President to call a White House Conference on the Humanities, was considered, ordered to a third reading, read the third time, and passed.

● Mr. HASKELL. Mr. President, today I am pleased to join with my colleagues in support of House Joint Resolution 649 which creates a White House Conference on the Arts and the Humanities.

The purpose of the Conference will be to develop recommendations relating to the appropriate growth of the arts and humanities in all parts of the Nation.

I am a representative from a part of this country that was once considered by inhabitants east of St. Louis to be a barren outpost for those seeking cultural endeavors.

Opera houses and repertory theaters born in western gold rush towns and frontier farming communities were not always recognized as significant contributors to America's budding cultural and artistic reputation.

Today we all recognize the strength and variety of our artistic accomplishments and resources throughout the Nation. Colorado is particularly grateful for the Federal assistance we have received in recent years for a broad spectrum of artistic activities. Federal funds have assisted us in the continuation of our cultural traditions as well as in the initiation of new artistic expressions. Coloradans may enjoy activities ranging from mountain arts and crafts fairs to the superior Denver symphony now at home in the new and architecturally innovative Boettcher Concert Hall in downtown Denver.

House Joint Resolution 649 provides for State conferences from which delegates will be sent with their recommendations to the National Conference.

Colorado will be proud to host such a conference and will endeavor to explore and examine meaningful ways to support and develop the arts and the humanities throughout the Nation.●

Mr. KENNEDY. Mr. President, today we are considering a resolution which